

15-251

May 28th, 1923.

Mr. Phil D. Swing,
El Centro, Calif.

Dear Phil:

Supplementing our letter of May 24th,
relative submission of statement and brief to Meeting
in Mexico City, we hand you copy of wire from Acting
Director Weymouth, in reply to telegram sent to Director
Davis on May 24th.

Very truly yours,

F. H. McIVER,
Secretary-Treasurer

FHMc.BP

93 73

15-254

May 28th, 1923.

Mr. Chas. L. Childers, Attorney,
Imperial Irrigation District,
El Centro, Calif.

Dear Mr. Childers:

Supplementing our letter of
May 24th, relative submission of statement and brief to
Meeting in Mexico City, we hand you copy of wire from
Acting Director Weymouth, in reply to telegram sent to
Director Davis on May 24th.

Very truly yours,

F. H. McIVER,
Secretary-Treasurer

F. H. Mc. BP

15-255

CLASS OF SERVICE	SYMBOL
Telegram	
Day Letter	Blue
Night Message	Nite
Night Letter	N L

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WESTERN UNION TELEGRAM



NEWCOMB CARLTON, PRESIDENT

GEORGE W. E. ATKINS, FIRST VICE-PRESIDENT

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WASHINGTON DC 446PM MAY 26 1923

F. H. MCIVER

75

EL CENTRO CALIF

YOUR TWENTY FOURTH RESPECTING MEXICO RIGHTS IN COLORADO RIVER STOP
RECLAMATION SERVICE WILL BE READY AT ANY APPROPRIATE TIME TO PRESENT
AMERICAN RIGHTS RELATIVE TO FEDERAL IRRIGATION STOP HAVE NOT INAUGURATED
ANY ACTION

WEYMOUTH

ACTING DIRECTOR

3P.M.

2
Copy
During
Chadlers

15-256

May 25th, 1923.

Hon. Phil D. Swing,
El Centro, Calif.

Dear Phil:

Your wire, addressed to the Secretary of State, and reply thereto relative to filing of statement of claims on the Colorado River to be presented to the Commission now negotiating at Mexico City, was taken up by the Board, at its last regular meeting, and referred back to you to prepare the aforesaid statement and a brief on the International water right, with the assistance of Attorney Childers, and also advise Mr. Childers that he has been delegated to assist you in this matter.

I have wired Secretary of State that this statement is being prepared and will be filed immediately.

Very truly yours,

F. E. McIVER,
Secretary-Treasurer

FHEic.BP

15-258

May 24th, 1925.

Mr. Chas. L. Childers, Attorney,
Imperial Irrigation District,
El Centro, Calif.

Dear Mr. Childers:

Your letter of May 13th together with clipping in regard to recognition of commission now negotiating in Mexico City, was taken up by the Board and you were delegated to work in conjunction with Mr. Swing, preparing a statement of claims of the waters of the Colorado River, with a brief on International Law to immediately forward to said Commission.

Will you kindly confer with Mr. Swing in this matter? I have wired Secretary of State that this is being prepared and will be filed immediately.

Very truly yours,

F. H. McIVER,
Secretary-Treasurer.

FHM:BP

15-260

CLASS OF SERVICE DESIRED	
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WESTERN UNION TELEGRAM

NEWCOMB CARLTON, PRESIDENT

GEORGE W. E. ATKINS, FIRST VICE-PRESIDENT

Receiver's No.
Check
Time Filed

Send the following message, subject to the terms on back hereof, which are hereby agreed to

To A. P. Davis, Director of Reclamation 19 May 24th, 1923.

Street and No. (or Telephone Number) Interior Building,
Place Washington, D.C.

anticipating present negotiations with Mexico may lead to treaty relative to settlement water rights in Colorado River, we are taking up with Secretary Hughes matter of filing brief in behalf claims Imperial Valley settlers to waters of Colorado River. Stop. Are you taking any steps to present claims of United States and reclamation projects to Colorado River waters before any Mexico treaty on subject is negotiated.

chg. I. I. D.


P. H. McIVER Secretary

SENDER'S ADDRESS
FOR ANSWERSENDER'S TELE-
PHONE NUMBER

15-261

CLASS OF SERVICE DESIRED	
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WESTERN UNION



TELEGRAM

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NEWCOMB CARLTON, PRESIDENT

GEORGE W. E. ATKINS, FIRST VICE-PRESIDENT

Send the following message, subject to the terms on back hereof, which are hereby agreed to

19

To Honorable Charles E. Hughes, May 24th, 1923.
Secretary of State,
Street and No. (or Telephone Number)
Place Washington, D.C.

Imperial Irrigation District is preparing statement of claims of
American Citizens relative to waters of Colorado River, including
brief on International Water right to be filed with you in accordance
with your wire to Congressman Swing stating that it will be carefully
examined. Also desire privilege of presenting matters directly
to any commission which may be charged with responsibility of
negotiating treaty with reference to Colorado River.

F. H. McIVER, Secretary

chg I.I.D.

SENDER'S ADDRESS FOR ANSWER

SENDER'S TELEPHONE NUMBER

15-262

Honorable Charles E. Hughes
Secretary of State,
Washington, D.C.

Imperial Irrigation District is preparing statement of claims ⁷
~~to be filed immediately~~ ^{American Citizens} relative to waters of Colorado River,
including brief on International Water Right to be ~~presented to you~~ ^{filed with you}
~~Commission now negotiating at Mexico City~~ in accordance with
your wire to Congressman Swing ^{stating} that it will be carefully examined.

also desire privilege of presenting matter directly
to any commission which may be charged with
responsibility of negotiating a treaty with
reference to the same.

15-245

CLASS OF SERVICE	SYMBOL
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WESTERN UNION TELEGRAM

NEWCOMB CARLTON, PRESIDENT

GEORGE W. E. ATKINS, FIRST VICE-PRESIDENT

CLASS OF SERVICE	SYMBOL
Telegram	
Day Letter	Blue
Night Message	Nite
Night Letter	N L

If none of these three symbols appears after the check (number of words) this is a telegram. Otherwise its character is indicated by the symbol appearing after the check.

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EL CENTRO, CAL.

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SD WASHINGTON DC 440PM MAY 11 1923

HON PHIL D SWING

39 EL CENTRO CALIF

YOUR TELEGRAM MAY 9 DEPARTMENT DOES NOT UNDERSTAND THAT COLORADO RIVER MATTERS ARE LIKELY TO BE DISCUSSED AT THIS TIME HOWEVER IF YOU DESIRE TO SUBMIT STATEMENT ON THAT SUBJECT IT WILL BE CAREFULLY EXAMINED.

CHARLES E. HUGHES

SECRETARY OF STATE

224PM

*Suggest a statement be filed
including in brief on international waters*

*mail 7 N me Ives
say imp. my desk
El Centro*

15-264

CLASS OF SERVICE DESIRED	
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Night Message	
Night Letter	
Patrons should mark an X opposite the class of service desired. OTHERWISE THE MESSAGE WILL BE TRANSMITTED AS A FULL-RATE TELEGRAM.	

WESTERN UNION



TELEGRAM

NEWCOMB CARLTON, PRESIDENT

GEORGE W. E. ATKINS, FIRST VICE-PRESIDENT

Receiver's No.
Check
Time Filed

Send the following message, subject to the terms on back hereof, which are hereby agreed to.

RECEIVED
May 9th, 1923

Hon. Charles A. Hughes,
Secretary of State,
Washington, D.C.

Press dispatches announce negotiations at Mexico City preliminary to recognition Mexican Government. If negotiations are being carried forward looking to treaty following recognition of Mexico and merits of various international controversies are now being considered, the people of Imperial Valley desire to present their claims before any negotiations are concluded relative to the waters of the Colorado River. We are more interested and have more at stake than any other community with reference to a treaty affecting the Colorado River and desire to be heard in protection of our rights.

PHIL D. SMITH

Official Business 38411

15-265

U.S., MEXICO PARLEY OPENS NEXT MONDAY

Successful End of "Recognition Parley" in Thirty Days Predicted; Envoys Greet Obregon

BY WILLIAM P. ELY THE

Staff Correspondent, Universal Service

MEXICO CITY, May 11.—It seemed tonight for the arrival of Commissioners John Barton Payne and Charles Becher Warren that the coming negotiations with the Mexican commissioners, Ross and Roca, were likely to be completed successfully within thirty days and possibly within a fortnight. From semi-official sources it was learned that American recognition of Mexico probably will come within a month after the report of the commissioners is submitted to President Harding and considered by Secretary of State Hughes.

This would indicate that American recognition of the Obregon government will come before mid-summer.

OBREGON GREETED

The American commissioners declared tonight:

"We came to Mexico City on a friendly mission for the purpose of continuing negotiations between Mexico and the United States and hope that we may be able to arrive at an understanding that will lead to the resumption of normal relations between the two countries."

At the station the American commissioners were introduced by Senora de Negri and De la Torre of the foreign office who received them at the border to Rodolfo Nervo, chief of the protocol division, who in turn introduced Payne and Warren to Commissioners Ross and Roca.

The American commissioners were taken immediately to the residence they will occupy during the negotiations. Afterwards there were exchanges of diplomatic courtesies between the commissioners and President Obregon and Senor Pan, minister of foreign affairs.

WORK TO BEGIN MONDAY

Work on the negotiations is expected to begin Monday. Both American commissioners have made it plain in formal conversations that they have only the general interests of Mexico and the United States under consideration. No special claims by oil or other interests are to be considered; only the general principles involved as affecting all claims.

The Mexican government, it is frankly understood, is not prepared to sacrifice any of the general principles stated in the constitution of 1917, and it is not expected that it will be asked to do more than make substantial guarantees to American property rights, such as it is understood and has been prepared to

15-266

ALBERT BETTENS, PRESIDENT
H. W. LAKE, VICE PRESIDENT
R. M. BETTENS, SECRETARY



FILE	DATE	INITIALS
RECEIVED	DATE	INITIALS
Gen. Mgr.		
Ch. Hq.		
ADJUTANT		
CLERK		

Sacramento, California

Sunday May 13, 1923

Interior Irrigation District;
El Centro, Cal.

Gentlemen:

I am inclosing a clipping from San Francisco Examiner which I believe is of great importance to us. It may be that you are already taking some action but if not you should get in touch with the Staff Wk. of Washington right away to see that our interests in the river are protected. The agreements made at the conference of Mexico City will form the bases of the treaties between this country and Mexico.

The Senate comm. will consider our bill tomorrow. I have been able to effect a very good organization and believe we will have no difficulty in killing the bills particularly 595-

Faithfully

Chas. Childers

15-267

WATER RIGHTS
ON THE
COLORADO RIVER
BY
M. W. CONKLING
ATTORNEY FOR
IMPERIAL IRRIGATION DISTRICT
EL CENTRO, CALIFORNIA
MARCH 9
1916

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WATER RIGHTS ON THE COLORADO RIVER.

By H. W. Conkling,

Attorney for Imperial Irrigation District.

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FBI - LOS ANGELES	

1. Navigability of the Colorado River.

In the days when bacon and flour were worth fifty cents per pound at Yuma, freight rates enormous and ocean vessels thirty feet long were considered practical freight carriers the Colorado River was considered a navigable stream. In these times when ten dollars per ton is a high commodity rate from Yuma to the Coast, the navigability of the same stream is a joke. Since all streams are passable for boats of some size and since it was never considered that the passing of canoes made a stream navigable, I take it that the correct meaning of the word "navigable" is that the stream is of such volume that boats of such size as may do a profitable freighting business may pass to and fro. It was only the remote location of Fort Yuma and the exorbitant rates on overland freight that caused the Colorado River to be used at any time for the carrying of freight. It is not so used any more. It is no longer navigable. There is a general supposition that its navigability was fixed by treaty of Guadalupe Hidalgo but an examination of that treaty shows that it was only provided that the United States and its citizens should have the right to use it.

In the treaty of 1886 the rights mentioned are to the "actually navigable" main channels. So the navigability considered by the two governments is made to depend on the fact as to navigability and the same was nowhere declared navigable as a matter of law.

The language of the treaty of 1848 is the same as to the Rio Grande and Colorado Rivers. In the case of U. S. vs. Rio Grande Dam & Irr. Co., 9 New M. 296, the Supreme Court of New

1 Mexico held that the Rio Grande was not made navigable by the
2 treaties with Mexico. On appeal to the U. S. Supreme Court,
3 that Court affirmed the decision as to that point, but remanded
4 the case solely to determine how far the river was actually
5 navigable and what, if any, effect the proposed diversion of
6 water would have on such navigability.

7 U. S. v. Rio Grande Dam, 174 U. S. 709.

8 Further treaties may be abrogated by either one of
9 the two nations parties to the same by inconsistent law.

10 38 CYC 974.

11 Botiller v. Dominguez, 130 U. S. 258.

12 Boudinot v. U. S., 11 Walt. 616.

13 Sanchez v. U. S., 216 U. S. 167.

14 If the treaties with Mexico be deemed to declare
15 navigable the Colorado River and if the taking of water from
16 such stream be considered inconsistent with or a violation of
17 such treaties then the United States must be deemed to have
18 abrogated^{any}/such treaty. By virtue of Acts of Congress passed
19 for that purpose the Government of the United States has con-
20 structed a rock and concrete dam across the river just above
21 Yuma and is taking water from the River to irrigate Government
22 lands in California and Arizona. In this construction of River
23 navigability the Mexican Government has concurred by granting
24 of a concession to a Mexican corporation (La Sociedad de
25 Irrigacion de la Baja California) to take water from the river
26 for the irrigation of lands both in Mexico and the United
27 States.

28 The Mexican corporation above named is a subsidiary
29 corporation the stock in which is owned by the California
30 Development Company and the Concession granted to it plainly
31 contemplates that the water might be taken from the River in
32 the United States. It has been so taken for fourteen years

1 without objection or protest from either Government.

2 The taking of water from the Colorado River at Laguna
3 Dam or between that point and the International boundary line
4 can only be affected of course by the navigability of the River
5 between those points. As to this it must be remembered that
6 there is not now any commerce on the river below Laguna Dam
7 and there has not been a freight or passenger boat on the River
8 other than canoes for many years. The history of navigation
9 on the Colorado River is briefly this: Owing to the high cost
10 of freighting across the Desert prior to the building of the
11 Pacific Railroads it was found profitable to carry freight from
12 San Francisco and the East to Fort Isabel on the Gulf of
13 California and thence ship the same by flat bottom steamboats
14 to points in the mining region of Utah and Nevada. The freight
15 rate from Fort Isabel to Utah points was ten cents per pound.
16 While this rate could be obtained and especially between 1860
17 and 1870, there were many boats on the River engaged in this
18 trade. These boats by means of pulleys and ropes attached to
19 trees on the banks pulled themselves over the numerous sand
20 bars and so long as the traffic could afford the high freight
21 rates the "navigation" continued notwithstanding the opinion
22 of the eminent government engineer that the river was only fit
23 for navigation by "Turnpike Sailors." With the completion of
24 the Union Pacific Railroad nearly all the Nevada and Utah trade
25 was lost. When the Southern Pacific was completed to Yuma
26 it was no longer profitable to bring goods up the River from
27 Port Isabel and commerce on the river between Fort Isabel
28 and Yuma ceased. Then came the Santa Fe to Needles and
29 nearly every boat on the river went out of business. Then
30 Laguna Dam was built and navigation from Yuma up became im-
31 possible as well as unprofitable. And lastly the Santa Fe
32 built the Parker cut off and it was no longer profitable to

1 make the trip down stream from Needles to Palo Verde and Parker.
2 There is now no navigation on the Colorado River except an
3 occasional trip is made from Needles north to some mines
4 below the Grand Canon. If the accident of time had brought
5 about the railroad before the steamboat then the Colorado
6 never would have been navigated, no one would have ever thought
7 of considering it navigable. Even during the time when there
8 was some commerce on the River it was surveyed and investigated
9 many times by the War Department with a view to possible im-
10 provement and on each occasion a report was made adverse to its
11 improvement. In 1890, Col. Benzuard on behalf of the Engineering
12 Department reported to the Secretary of War (Ex. Doc. No. 18-
13 51st Cong. 2nd Sess.) that any plans of improvement of the River
14 "must embrace control of flood waters." And further that
15 "any attempt to carry on such an improvement would involve
16 the expenditure of millions of dollars with the possibility of
17 failure of obtaining substantial results." "In my opinion the
18 Colorado River is not worthy of improvement by the general
19 government."

20 In 1903, the Department of Engineering again reported
21 that the commerce on the river below Yuma was insignificant.

22 In 1914, a similar report was made, which report is
23 annexed hereto.

24 In 1898, the writer, in company with Mr. H. W. Patton, then
25 Editor of the Los Angeles Graphic, took a trip down the river
26 from Yuma in an eighteen foot skiff. The skiff grounded on
27 sand bars a score of times between Yuma and the Hardy. There
28 was no commerce. There is none now. Not a single steamboat
29 is in business or has been for some years. The only question
30 therefore which arises is, does the fact that the river was
31 once navigated as a matter of law establish its navigability
32 for all time.

148 Fed. 781.

1 Is a river once navigable always navigable as a matter
2 of law. Our own Supreme Court has answered the question in the
3 negative.

4 Cardwell v. Sacramento, 79 Cal. 347.

5 The same case is authority that the public represented
6 in legislature or in Congress may declare a river non-navigable
7 and may do so indirectly and by inference. In the case of
8 the Colorado the action of Congress in appropriating money for
9 the Yuma Project (Laguna Dam)

10 38 Stat. 859.

11 constitutes such inconsistent legislation.

12 That Congress knew and approved of this obstruction
13 in the river is also evident from the act authorizing withdrawal
14 of public land in view of this project.

15 32 Stat. 388.

16 It is also apparent that Congress intended to devote
17 the water of this River to irrigation from the language of the
18 resolution authorizing the investigation as to extent of use
19 of water of Colorado for irrigation and extent to which the
20 same may be made available and asking what is necessary to
21 confirm private appropriation of water from the river.

22 33 Stat. 591.

23 Irrigation is the paramount interest as to streams in
24 the Southwest.

25 Vol 20 Opinion of Attorney General, p. 101.

26 Congress has therefore abandoned the Colorado as a
27 highway of commerce as effectively as did the legislature of
28 this state dispose of the navigability of the American River.
29 Of course, a stream once not navigable might by improvement or
30 other change in condition become navigable and no good reason
31 exists why the reverse is not true that changed conditions
32 may render a stream once navigable now no longer so. And it

1 cannot matter what these changed conditions are. The essentials
2 of a navigable stream are not depth of water or size of boat
3 that has been or may be floated on the same, but whether or not
4 useful and profitable commerce may be carried on upon the
5 same.

6 People vs. Elk River, 107 Cal. 221.

7 Harris vs. Fite, 148 Fed. 781.

8 The question is, can it be profitably used and
9 is public interest served.

10 Rhodes vs. Otis, 3 Ala. 578.

11 Peters vs. R. R., 56 Ala. 528.

12 A river is not useful as a highway unless it can be
13 used in successful competition with other routes of trade and
14 travel.

15 To be navigable a stream must afford a channel for
16 useful commerce.

17 The Montello, 20 Wall 431.

18 Those rivers must be regarded as public navigable
19 rivers which are navigable in fact when they are used, or are
20 susceptible of being used, in their ordinary condition as high-
21 ways for commerce over which trade and travel may be conducted
22 in the customary modes of trade and travel on water.

23 Case of Daniel Ball, 10 Wall. 557.

24 It must be generally and commonly useful to some
25 trade or agriculture.

26 21 Pickering, 344.

27 3 L. R. A. 609.

28 In discussing the navigability of the Rio Grande
29 Olney, Secretary of State, in a letter to General Anson Mills,
30 said: "The Question is whether the river can be used profitably
31 for carrying merchandise." (See Letters of Sec'tary of State).

32 The stream must serve a useful public purpose.

Angel on Water Courses.

1 During that stage of our commerce when in a part
2 of the country lumbering was the sole industry many small
3 streams served a useful purpose for the lumber trade, being used
4 to float logs down to the mills. Such streams were during
5 that time held navigable. Now that the logs and the logging
6 industry are gone shall all such streams be considered still
7 navigable? To so hold is to prevent the only public use of
8 such streams for which now available, namely, irrigation.

9 Happily, the authorities are a unit in declaring that
10 it is beneficial use in trade that makes a stream navigable.
11 The conclusion must be:

12 1. The Colorado River is not now navigable in fact.

13 2. Both the United States Government and that of
14 Mexico have by their action and legislation created a situation
15 rendering it not navigable in law.

16 EFFECT OF INTER STATE CHARACTER
17 OF STREAMS ON WATER RIGHTS ON THE COLORADO RIVER.

18 All the states concerned in the waters of the
19 Colorado recognize the right of prior appropriation of the
20 water of running streams. The States of Arizona, California,
21 Nevada and Utah as well as Colorado, New Mexico and Wyoming
22 have each by statute recognized the principle that priority of
23 use confers priority of right to water taken from streams for
24 irrigation. The result is that as between rival claimants of
25 the waters of the Colorado River the law is the same as if
26 the state lines did not exist, the point being settled by de-
27 cision of both state and federal courts.

28	Bean vs. Morris,	221 U. S. 485.
29	Boquiller vs. Curtis,	213 U. S. 339.
30	Kansas vs. Colorado,	206 U. S. 46.
31	Taylor vs. Hulett,	97 Pac. 39.
32	Willey vs. Decker,	100 Am. St. Rep. 939.
	Wiel on Water Rights	#345.

1 As pointed out in the report of Mr. C. R. Rockwood
2 relative to the quantity and use of the waters of the Colorado
3 River the amount of water in the Colorado River available for
4 use for irrigation is not only in excess of present demands
5 but is also in excess of all demands that may be expected to
6 be made upon it for many years. The only place in fact where
7 any considerable increased use is expected in the near future
8 is in Imperial Irrigation District. Here three-fourths of the
9 irrigable land is being irrigated and the remainder will
10 probably all be irrigated within three years. There will then
11 remain no considerable land which may be irrigated from the
12 Colorado River except that in Mexico. The only considerable
13 lands taking water from the Colorado above the diversion to
14 Imperial Irrigation District are the Palo Verde and Yuma Valleys.

15 The chances of any litigation with these users are
16 practically nil but in any event the measure of the rights of
17 each is the prior actual appropriation and use.

18 RIGHTS OF MEXICAN LAND OWNERS.

19 So far as water rights in the Colorado are concerned
20 the legal situation with reference to Mexican land owners is
21 the same as in the case of the waters of the Rio Grande prior
22 to the treaty of and the building of the Elephant
23 Butte Dam. When that matter was under consideration by our
24 State Department the opinion of the then Attorney General
25 Harmon was given the Secretary of State and was to the effect
26 neither treaty nor international law required recognition of
27 any water right by Mexico or its citizens.

28 Senate Doc. 154-57th Congress, page 10.

29 In the Rio Grande case the claim of Mexico was based
30 solely on prior appropriation and use by her citizens
31 (Letter Romero Mexican Ambassador to Olney, Secretary of State,
32 Senate Document 154-57th Congress, page 154)

 While neither treaty nor international law requires
that such concession be made as pointed out by our Secretary

1 of State, Mr. Olney, in our dealings with Mexico our Government
2 has never stood on the letter of the law and the least that
3 we may expect to give to Mexico and Mexican users is equal
4 rights based on the law of prior use. At the present time
5 there are about seventy-five thousand acres in Mexico irrigated
6 from the California Development Company system. This is not
7 likely to be increased until political conditions are more
8 settled in that Country. Should the troubles of that Country
9 be settled within the next ninety days it is quite probable
10 the irrigated area would be doubled by the time that all of
11 Imperial Irrigation District's 576,000 acres is put into
12 cultivation. By the terms of the Mexican concession whereby
13 the water of the Colorado River is brought into this District
14 through Mexico it is provided that Mexican land owners are to
15 have half of the water when needed for the irrigation of their
16 lands. Unless the Irrigation District should construct an all-
17 American canal it will be necessary for it to faithfully observe
18 this condition. It must be remembered in this connection
19 however that the California Development Company was not
20 obligated by the concession in question to extend its Mexican
21 Canal system and it certainly was never contemplated that it
22 should extend it across the Colorado River. In 1910, the
23 River changed its channel with the result that the River now
24 runs much further to the west than formerly and there are now
25 of lands reasonably irrigable lying west and north of the river
26 only about two hundred and fifty thousand acres.

27 There is no objection to the irrigation of this quantity
28 of land in Mexico. The supply of water is ample and at the
29 price paid by Mexican users (fifty cents per acre foot) a profit
30 is made over the cost of delivery. The California Development
31 Company in former years and the Imperial Irrigation District
32 more recently has constructed a levee or chain of levees to

prevent the Colorado River overflowing its banks in Mexico and running back into the United States. This line of protective works begins at the International boundary at Hanlons Heading near Pilot Knob and extends southerly and westerly to Black Butte a point about 35 miles south of Calexico. The most recent work near Black Butte is known as the Volcano Lake Levee. This line marks the furthest south that it is practical to extend the California Development Company system of canals.

(COPY).

63D CONGRESS)
2d Session.)

HOUSE OF REPRESENTATIVES.

(DOCUMENT
(No. 1141.

COLORADO RIVER, CAL. AND ARIZ.

L E T T E R

from

THE SECRETARY OF WAR,

TRANSMITTING,

WITH A LETTER FROM THE CHIEF OF ENGINEERS, REPORT ON
PRELIMINARY EXAMINATION OF COLORADO RIVER, CAL.
AND ARIZ.

AUGUST 7, 1914.- Referred to the Committee on Rivers and Har-
bors and ordered to be printed, with illustration.

WAR DEPARTMENT,
Washington, August 6, 1914.

The SPEAKER OF THE HOUSE OF REPRESENTATIVES.

SIR: I have the honor to transmit herewith a letter from the Chief of Engineers, United States Army, dated August 4, instant, together with copy of a report from Maj. R. R. Raymond, Corps of Engineers, dated May 21, 1914, with map, upon a preliminary examination of Colorado River, Cal. and Ariz., made by him in compliance with the provisions of the river and harbor act approved March 4, 1913.

Very respectfully,

LINDLEY M. GARRISON,

Secretary of War.

WAR DEPARTMENT,
OFFICE OF THE CHIEF OF ENGINEERS,

Washington, August 4, 1914.

From: The Chief of Engineers, United States Army.

To: The Secretary of War.

Subject: Preliminary examination of Colorado River, Cal. and Ariz.

1. There is submitted herewith, for transmission to Congress, report dated May 21, 1914, with map, by Maj. R. R. Raymond, Corps of Engineers, on preliminary examination of Colorado River, Cal. and Ariz., with a view of developing and improving navigation, called for by the river and harbor act approved March 4, 1913.

2. Sections of the Colorado River form the boundary lines between the States of California and Arizona, and between Nevada and Arizona. It empties into the Gulf of California in Mexico. Below Yuma the channel is unstable and can not be made permanent at reasonable cost. The Laguna Dam, 11 miles above Yuma, constitutes a barrier to navigation which could be overcome only by the construction of a lock. The waters of the stream are used for irrigation purposes, and such usage would conflict more or less with navigation. There is practically no river commerce at the present time, and the district officer is of opinion that the stream is not worthy of improvement by the United States. The division engineer concurs in this opinion.

3. This report has been referred, as required by law, to the Board of Engineers for Rivers and Harbors, and attention is invited to its report herewith, dated July 14, 1914, concurring with the view of the district officer and the division engineer.

4. After due consideration of the above-mentioned

reports, I concur with the views of the district officer, the division engineer, and the Board of Engineers for Rivers and Harbors, and therefore report that the improvement by the United States of Colorado River, Cal. and Ariz., with a view of developing and improving navigation, is not deemed advisable at the present time.

DAN C. KINGMAN,
Chief of Engineers, United States Army.

REPORT OF THE BOARD OF ENGINEERS FOR RIVERS AND HARBORS.

(Third indorsement.)

THE BOARD OF ENGINEERS FOR RIVERS AND HARBORS.

July 14, 1914.

To the CHIEF OF ENGINEERS, UNITED STATES ARMY.

1. The following is submitted in review of the district officer's report on preliminary examination of Colorado River, Cal. and Ariz., with a view of developing and improving navigation, called for by the act of March 4, 1913.

2. The Laguna Dam, located 11 miles above Yuma, closes the river at present to possible navigation. To pass the dam would require the construction of a lock. Below Yuma the river flows through a delta country and the channel is unstable in position. The district officer states that it could not be fixed at reasonable cost. There is little water in the river below the Imperial Canal at low stages, and it seems probable that this condition will become more pronounced through the more extensive use of the waters of the river for irrigation purposes in the future. From the Laguna Dam to Eldorado Canyon the navigability of the river is dependent upon the stage. At certain points it is not navigable at

low water.

3. There is no commerce on the river at present. The principal source of prospective commerce is the produce of the adjacent country. The most important use of the water is for irrigation purposes, and to increase the tonnage of the country would lessen the amount of water available for navigation. The district officer is of opinion that improvement for navigation purposes is not justifiable, and in this view the division engineer concurs.

4. Interested parties were advised of the unfavorable tenor of the district officer's report and given an opportunity of submitting their views to the board, but no communications on the subject have been received.

5. It seems clear from a study of the physical conditions that any improvement for the purposes of navigation would be very costly. The use of the river for irrigation purposes conflicts more or less with its improvement for navigation. The outlet of the river is through a foreign country. It does not seem probable that even if the river were improved a large commerce would be developed.

6. In view of the facts outlined above, the board reports, in concurrence with the district officer and the division engineer, that in its opinion it is not advisable for the United States to undertake the improvement of the Colorado River, Cal. and Ariz., at this time.

7. In compliance with law, the board reports that there are no questions of terminal facilities, water power, or other related subjects having any material bearing upon the improvement of navigation at this locality.

For the Board:

W. M. BLACK,
Colonel, Corps of Engineers,
Senior Member of the Board.

PRELIMINARY EXAMINATION OF COLORADO RIVER, CAL. AND ARIZ.

UNITED STATES ENGINEER OFFICE,

Los Angeles, Cal., May 21, 1914.

From: The District Engineer Officer.

To: The Chief of Engineers, United States Army
(Through Division Engineer).

Subject: Preliminary examination of Colorado River, Cal. and Ariz.

1. In compliance with department letter dated March 18, 1913, the following report is submitted of a preliminary examination of Colorado River, California and Arizona, with a view of developing and improving navigation, as provided for by the river and harbor act of March 4, 1913.

2. The Colorado River forms the boundary between California and Arizona. It has been the subject of preliminary examinations several times, as follows:

In 1857, by Lieut. Ives, Topographical Engineers.

In 1879, by Lieut. Col. Stewart, Corps of Engineers.

See Annual Report, Chief of Engineers, 1879, page 1773.

In 1890, by Lieut. Col. Benyaurd, Corps of Engineers.

See House Document No. 18, Fifty-first Congress, second session.

In 1895, by Lieut. Potter, Corps of Engineers. See

House Document No. 101, Fifty-fourth Congress, first session.

In 1896, by Maj. Davis, Corps of Engineers. See

House Document No. 118, Fifty-fourth Congress, second session.

In 1900, by Capt. Meyler, Corps of Engineers. See

House Document No. 67, Fifty-sixth Congress, second session.

In 1903, by Capt. Jadwin, Corps of Engineers. See

House Documents Nos. 204 and 237, Fifty-eighth Congress, second session.

3. With the data contained in these reports and other records available it was not necessary to make an extensive reconnoissance of the river. I visited it, however, at and near Yuma to learn by personal observation the general conditions and the uses made of the river waters.

4. Below Yuma the river flows through a delta country which is constantly being built up by the large quantity of silt carried by the river. The channel is unstable and can not be made stable at reasonable cost. At present the principal channel in Mexico passes through Volcano Lake. In addition to the fact that this part of the river lies in a foreign country, it should be noted that there is so little water available in the river below the heading of the Imperial Canal during low stages that navigation throughout the year is impracticable. The amount of water extracted from the river for irrigation will increase rather than decrease.

5. For these reasons navigation from Laguna Dam to the Gulf of California is not practicable to an extent that could be of interest to the United States at large.

6. The Laguna Dam, 11 miles above Yuma, is a positive obstruction to navigation. It would be necessary to construct a lock if navigation is to pass this dam, but to canalize a stream bearing as much silt as the Colorado River would probably lead to a heavy cost for maintenance.

7. From Laguna Dam to Eldorado Canyon the navigability of the river is dependent upon the stage. At low stages the river is not navigable at certain points.

8. Without an accurate survey it is impossible to form any idea of the work required to make the stream navigable or of the cost of the same, but it is certain that the cost would be large.

9. The only commerce possible would be the transportation of commodities from the railroad crossings at Yuma, Parker, and Needles to the country along the river and of produce of the country to the railroads. The growth of such commerce must increase the drain upon the river for water for irrigation purposes. The margin of supply over demand is none too large at present, and to limit the use of the water for irrigation would be to restrain the growth of the very commerce which alone can justify the improvement of the river for navigation.

10. For these reasons the improvement of the river for navigation would defeat its own ends and would be a detriment to the adjacent country, except, possibly, that flood control would be beneficial. Whether this view is entirely correct or not, there appears to be no such certainty of benefit to the Nation at large to be expected from improvement as will justify a national appropriation.

11. I am therefore of the opinion that the Colorado River in California and Arizona is not worthy of improvement by the United States. I do not recommend a survey of the same.

12. Attention is invited to the conclusions reached by officers who have examined this river heretofore, which agree with my own. The development of the country by irrigation in recent years makes the improvement even less desirable to-day than it was formerly.

13. There being practically no river-borne commerce, no terminals exist. No water-power developments are known to be practicable which might be combined with an improvement for navigation.

R. R. RAYMOND,
Major, Corps of Engineers.

(First indorsement.)

OFFICE OF DIVISION ENGINEER, PACIFIC DIVISION,

San Francisco, Cal., May 25, 1914.

To the CHIEF OF ENGINEERS:

Concurring in the views expressed by the district engineer officer.

THOS. H. REES,

Lieutenant Colonel, Corps of Engineers.

(For report of Board of Engineers for Rivers and Harbors
see page 2.)

15-268

WATER RIGHTS ON THE

COLORADO RIVER

By

M. W. CONKLING

ATTORNEY FOR IMPERIAL IRRI-

GATION DISTRICT

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1 *Botittler v. Dominguez,* 130 U.S.239.
2 *Boudinot v. U.S.,* 11 *Walt.*616.
3 *Sanchez v. U.S.,* 216 U.S.167.

4 If the treaties with Mexico be deemed to declare
5 navigable the Colorado River and if the taking of water from
6 such stream be considered inconsistent with or a violation of
7 such treaties then the United States must be deemed to have
8 abrogated any such treaty. By virtue of Acts of Congress passed
9 for that purpose the Government of the United States has con-
10 structed a rock and concrete dam across the river just above
11 Yuma and is taking water from the River to irrigate Government
12 lands in California and Arizona. In this construction of River
13 navigability the Mexican Government has concurred by granting
14 of a concession to a Mexican corporation (*La Sociedad de*
15 *Irrigacion de la Baja California*) to take water from the river
16 for the irrigation of lands both in Mexico and the United
17 States.

18 The Mexican corporation above named is a subsidiary
19 corporation the stock in which is owned by the California
20 Development Company and the Concession granted to it plainly
21 contemplates that the water might be taken from the River in
22 the United States. It has been so taken for fourteen years
23 without objection or protest from either Government.

24 The taking of water from the Colorado River at Laguna
25 Dam or between that point and the International boundary line
26 can only be affected of course by the navigability of the River
27 between those points. As to this it must be said that

1 Pacific Railroads it was found profitable to carry freight from
2 San Francisco and the East to Port Isabel on the Gulf of
3 California and thence ship the same by flat bottom steamboats
4 to points in the mining region of Utah and Nevada. The freight
5 rate from Port Isabel to Utah points was ten cents per pound.
6 While this rate could be obtained and especially between 1860
7 and 1870, there were many boats on the River engaged in this
8 trade. These boats by means of pulleys and ropes attached to
9 trees on the banks pulled themselves over the numerous sand
10 bars and so long as the traffic could afford the high freight
11 rates the "navigation" continued notwithstanding the opinion
12 of the eminent government engineer that the river was only fit
13 for navigation by "Turnpike Sailors." With the completion of
14 the Union Pacific Railroad nearly all the Nevada and Utah trade
15 was lost. When the Southern Pacific was completed to Yuma
16 it was no longer profitable to bring goods up the River from
17 Port Isabel and commerce on the river between Port Isabel
18 and Yuma ceased. Then came the Santa Fe to Needles and
19 nearly every boat on the river went out of business. Then
20 Laguna Dam was built and navigation from Yuma up became im-
21 possible as well as unprofitable. And lastly the Santa Fe
22 built the Parker cut off and it was no longer profitable to
23 make the trip down stream from Needles to Palo Verde and Parker.
24 There is now no navigation on the Colorado River except an
25 occasional trip is made from Needles north to some mines
26 below the Grand Canon. If the accident of time had brought
27 about the railroad before the steamboat then the Colorado

1 improvement. In 1890, Col. Benzard on behalf of the Engineering
2 Department reported to the Secretary of War (Ex. Doc. No. 18-
3 51st Cong. 2nd Sess.) that any plans of improvement of the River
4 "must embrace control of flood waters." And further that
5 "any attempt to carry on such an improvement would involve
6 the expenditure of million of dollars with the possibility of
7 failure of obtaining substantial results." "In my opinion the
8 Colorado River is not worthy of improvement by the general
9 government."

10 In 1903, the Department of Engineering again reported
11 that the commerce on the river below Yuma was insignificant.

12 In 1898, the writer in company with Mr. H.W. Patton, then
13 Editor of the Los Angeles Graphic, took a trip down the river
14 from Yuma in an eighteen foot skiff. The skiff grounded on
15 sand bars a score of times between Yuma and the Hardy. There
16 was no commerce. There is none now. Not a single steamboat
17 is in business or has been for some years. The only question
18 therefore which arises is, does the fact that the river was
19 once navigated as a matter of law establish its navigability
20 for all time.

21 148 Fed. 781.

22 Is a river once navigable always navigable as a matter
23 of law. Our own Supreme Court has answered the question in the
24 negative.

25 Gardwell v. Sacramento, 79 Cal. 347.

26 The same case is authority that the public represented
27 in legislature or in Congress may declare a river non-navigable

1 That Congress knew and approved of this obstruction
2 in the river is also evident from the act authorizing withdrawal
3 of public land in view of this project.

4 32 Stat. 338.

5 It is also apparent that Congress intended to devote
6 the water of this River to irrigation from the language of the
7 resolution authorizing the investigation as to extent of use
8 of water of Colorado for irrigation and extent to which the
9 same may be made available and asking what is necessary to
10 confirm private appropriation of water from the river.

11 33 Stat. 591.

12 Irrigation is the paramount interest as to streams in
13 the Southwest.

14 Vol 20 Opinion of Attorney General, p. 101.

15 Congress has therefore abandoned the Colorado as a
16 highway of commerce as effectively as did the legislature of
17 this state dispose of the navigability of the American River.
18 Of course, a stream once not navigable might by improvement or
19 other change in condition become navigable and no good reason
20 exists why the reverse is not true that changed conditions
21 may render a stream once navigable now no longer so. And it
22 cannot matter what these changed conditions are. The essentials
23 of a navigable stream are not depth of water or size of boat
24 that has been or may be floated on the same, but whether or not
25 useful and profitable commerce may be carried on upon the
26 same.

1 A river is not useful as a highway unless it can be
2 used in successful competition with other routes of trade and
3 travel.

4 To be navigable a stream must afford a channel for
5 useful commerce.

6 The Montello,

20 Wall 431.

7 Those rivers must be regarded as public navigable
8 rivers which are navigable in fact when they are used, or are
9 susceptible of being used, in their ordinary condition as high-
10 ways for commerce over which trade and travel may be conducted
11 in the customary modes of trade and travel on water.

12 Case of Daniel Ball,

10 Wall. 557.

13 It must be generally and commonly useful to some
14 trade or agriculture.

15 21 Pickering, 344.

16 3 L.R.A. 602.

17 In discussing the navigability of the Rio Grande
18 Olney, Secretary of State, in a letter to General Anson Mills,
19 said: "The question is whether the river can be used profitably
20 for carrying merchandise." (See Letters of Sec'tary of State).

21 The stream must serve a useful public purpose.

22 Angel on Water Courses.

23 During that stage of our commerce when in a part
24 of the country lumbering was the sole industry many small
25 streams served a useful purpose for the lumber trade, being used
26 to float logs down to the mills. Such streams were during
27 that time held navigable. Now that the

1 The conclusion must be:

2 1. The Colorado River is not now navigable in fact.

3 2. Both the United States Government and that of
4 Mexico have by their action and legislation created a situation
5 rendering it not navigable in law.

6 EFFECT OF INTER STATE CHARACTER
7 OF STREAMS ON WATER RIGHTS ON THE COLORADO RIVER.

8 All the states concerned in the waters of the
9 Colorado recognize the right of prior appropriation of the
10 water of running streams. The States of Arizona, California,
11 Nevada and Utah as well as Colorado, New Mexico and Wyoming
12 have each by statute recognized the principle that priority of
13 use confers priority of right to water taken from streams for
14 irrigation. The result is that as between rival claimants of
15 the waters of the Colorado River the law is the same as if
16 the state lines did not exist, the point being settled by de-
17 cision of both state and federal courts.

18	Bean vs. Morris,	221 U.S. 485.
19	Boquiller vs. Curtis,	213 U.S. 339.
20	Kansas vs. Colorado,	206 U.S. 46.
21	Taylor vs. Hulett,	97 Pac. 39.
22	Willey vs. Decker,	100 Am. St. Rep. 939.
23	Fiel on Water Rights	#345.

24 As pointed out in the report of Mr. G. R. Rockwood
25 relative to the quantity and use of the waters of the Colorado
26 River the amount of water in the Colorado River available for
27

1 probably all be irrigated within three years. There will then
2 remain no considerable land which may be irrigated from the
3 Colorado River except that in Mexico. The only considerable
4 lands taking water from the Colorado above the diversion to
5 Imperial Irrigation District are the Palo Verde and Yuma Valleys.

6 The chances of any litigation with these users are
7 practically nil but in any event the measure of the rights of
8 each is the prior actual appropriation and use. The facts are
9 so notorious that Imperial Valley water users do not fear such
10 a contest.

11 RIGHTS OF MEXICAN LAND OWNERS.

12 So far as water rights in the Colorado are concerned
13 the legal situation with reference to Mexican land owners is
14 the same as in the case of the waters of the Rio Grande prior
15 to the treaty of _____ and the building of the Elephant
16 Butte Dam. When that matter was under consideration by our
17 State Department the opinion of the then Attorney General
18 Harmon was given the Secretary of State and was to the effect
19 neither treaty nor international law required recognition of
20 any water right by Mexico or its citizens.

21 Senate Doc. 154-57th Congress, page 10.

22 In the Rio Grande case the claim of Mexico was based
23 solely on prior appropriation and use by her citizens
24 (Letter Romero Mexican Ambassador to Olney, Secretary of State,
Senate Document 154-57th Congress, page 154)

25 While neither treaty nor international law requires
26 that such concession be made as pointed out by our Secretary
27 of State, Mr. Olney, in our dealings with Mexico our Government

1 likely to be increased until political conditions are more
2 settled in that Country. Should the troubles of that Country
3 be settled within the next ninety days it is quite probable
4 the irrigated area would be doubled by the time that all of
5 Imperial Irrigation District's 824,000 acres is put into
6 cultivation. By the terms of the Mexican concession whereby
7 the water of the Colorado River is brought into this District
8 through Mexico it is provided that Mexican land owners are to
9 have half of the water when needed for the irrigation of their
10 lands. Unless the Irrigation District should construct an all-
11 American canal it will be necessary for it to faithfully observe
12 this condition. It must be remembered in this connection
13 however that the California Development Company was not
14 obligated by the concession in question to extend its Mexican
15 Canal system and it certainly was never contemplated that it
16 should extend it across the Colorado River. In 1910, the
17 River changed its channel with the result that the River now
18 runs much further to the west than formerly and there are now
19 of lands reasonably irrigable lying west and north of the river
20 only about two hundred and fifty thousand acres.

21 There is no objection to the irrigation of this quantity
22 of land in Mexico. The supply of water is ample and at the
23 price paid by Mexican users (fifty cents per acre foot) a profit
24 is made over the cost of delivery. The California Development
25 Company in former years and the Imperial Irrigation District
26 more recently has constructed a levee or chain of levees to

27 prevent the Colorado River overflowing its banks in Mexico and

1 This line marks the furthest south that it is practical to
2 extend the California Development Company system of canals.

3 VALUE OF THE CALIFORNIA DEVELOPMENT COMPANY

4 WATER RIGHTS.

5 It is not possible to satisfactorily value this water
6 right. On those streams in California where all the water
7 is used and there is no more water to appropriate the buying
8 and selling of rights has set a definite value. Here the
9 condition is vitally different. During the months of April, May,
10 June and July, there is enough water to irrigate ten times the
11 land available. A number of valuable crops can be raised
12 during such irrigation season. Nine years out of ten there is
13 enough water all the year for all the land that can possibly
14 ever be irrigated. As a necessary result an entirely new
15 appropriation of the water of the Colorado River is almost
16 as good as the California Development Company appropriation.
17 It is almost impossible to place a commercial value on the water right of
18 the California Development Company must be based on engineering
19 data as to amount of water and land available rather than on
20 prices of water rights elsewhere. The valuable right possessed
21 by the California Development Company is in the Mexican
22 concession granting the right to carry water through Mexico.
23 One basis of value of this concession is the cost of an All-
24 American canal variously estimated at from eight to twelve
25 million dollars. That, however, is not a sure criterion as the
26 Mexican Government might sell a new concession for less money.
27

1 the users thereof. Without it their lands are absolutely value-
2 less. With it the assessed value is over twenty millions.
3 Ordinarily a basis of value of this water right might be made
4 from receipts and expenditures giving it a value upon which it
5 is paying a fair rate of interest. This is impossible of
6 accurate calculation, however, owing to the fact that the system
7 is still unfinished, the consumption of water has not reached
8 its maximum and the cost of upkeep varies from year to year
9 owing to river conditions which cannot be foretold. Such a
10 valuation also excludes the legal features before named and
11 assumes that the existing monopoly must continue indefinitely.

12 Of this, however, there seems no doubt. The water right
13 is, once it is in the hands of the water users, sure, safe and
14 worth to such users at least the amount proposed to be expended
15 therefor.
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15-270

ASSIGNMENT OF WATER CLAIM.

File	5570
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This instrument executed and signed this 15th day of August, 1911.

WITNESSETH: Whereas E. I. Rockwell, for himself and others did on May 16th, 1896, give notice and file a claim for, and to use and appropriate ten thousand (10,000) cubic feet per second of the water of the Colorado River flowing by the intended point of diversion as follows:-

The intended point of diversion is located on the SW $\frac{1}{4}$ of Section 25, Tp. ¹⁶ S.R. 21 E. of San Bernardino Base and Meridian, and being further described as a point of location on the west bank of the Colorado River in San Diego County, State of California, $1\frac{1}{2}$ miles more or less up the river from the point where the international line between the United States of America and the Republic of Mexico intersects the west bank of the Colorado River. The said point of diversion is more specifically described as extending from a point due west of the pumping plant of the Pay-master Mining Company up the River a distance of 500 feet more or less, to a hill, and hereas, such notice and filing by me and for others was and is intended to mean the California Development Company, a corporation duly organized and existing under and by virtue of the laws of New Jersey one of the United States of America, and

hereas, such notice and filing first above mentioned is recorded in the books kept for such purposes in the office of the County Recorder of San Diego County, State of California, U. S.A.

NOW THEREFORE,

For and inconsideration - - - of one dollar United States coin, and other valuable consideration to me in hand paid by said The California Development Company, the receipt of which is hereby acknowledged, do hereby for myself and others assign all my right, title and interest to the hereinabove mentioned water to the said The California Development Company.

(SIGNED) E. I. ROCKWELL.

Signed, sealed and delivered in the presence of L. W. MORGAN.

State of California

County of Los Angeles,

On this 15th day of August, 1911, before me, S. F. McCLUNG, a Notary Public, in and for said County of Los Angeles, residing therein, duly commissioned and sworn, personally appeared E. I. Rockwell known to me to be the person described in and whose name is subscribed to the within instrument, and who acknowledged to me that he executed the same.

In witness whereof, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

(SIGNED) S. F. McCLUNG
Notary Public in and for the
County of Los Angeles, State
of California.

15-271

ASSIGNMENT OF WATER CLAIM

THIS INSTRUMENT, executed and signed this 15th day of August, 1911,

WITNESSETH: Whereas E. I. Rockwell, for himself and others did on May 16th, 1895, give notice and file a claim for, and to use and appropriate ten thousand (10,000) cubic feet per second of the water of the Colorado River flowing by the intended point of diversion as follows:

The intended point of diversion is located on the S.W. $\frac{1}{4}$ of Section 25, Tp. 16 S., R. 21 E. of San Bernardino Base and Meridian, and being further described as a point of location on the west bank of the Colorado River in San Diego County, State of California, $1\frac{1}{4}$ miles more or less up the river from the point where the International line between the United States of America and the Republic of Mexico intersects the west bank of the Colorado River. The said point of diversion is more specifically described as extending from a point due west of the pumping plant of the Paymaster Mining Company up the River a distance of 500 feet more or less, to a hill, and

WHEREAS, such notice and filing by me and for others was and is intended to mean the California Development Company, a corporation duly organized and existing under and by virtue of the laws of New Jersey, one of the United States of America, and

WHEREAS, such notice and filing first above mentioned is recorded in the Books kept for such purpose in the office of the County Recorder of San Diego County, State of California, U. S. A.

NOW THEREFORE, For and in consideration of one dollar United States coin, and other valuable consideration to me in hand paid by said The California Development Company, the receipt of which is hereby acknowledged, do hereby for myself and others assign all my right, title and interest to the hereinabove mentioned water to the said The California Development Company.

E. I. Rockwell

Signed, sealed and delivered in the presence of L. W. Morgan.

State of California)
County of Los Angeles) --SS.

On this 15th day of August, 1911, before me, S. F. McClung, a Notary Public in and for said County of Los Angeles, residing therein, duly commissioned and sworn, personally appeared E. I. Rockwell, known to me to be the person described in and whose name is subscribed to the within instrument, and who acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

(NOTARIAL SEAL)

S.F. McClung, Notary Public in
and for the County of Los Angeles, State of California.

Recorded at request of W. H. Holabird, as Receiver, Aug. 19, 1911, at 10 min. past 11 A. M., in Book 2, page 21 of Water Claims, Imperial County Records.

John Norton, County Recorder.

Fees \$1.10

15-278

ASSIGNMENT OF WATER CLAIM

THIS INSTRUMENT, executed and signed this 15th day of August, 1911,

WITNESSETH: Whereas E. I. Rockwell, for himself and others did on May 16th, 1895, give notice and file a claim for, and to use and appropriate ten thousand (10,000) cubic feet per second of the water of the Colorado River flowing by the intended point of diversion as follows:

The intended point of diversion is located on the S.W. $\frac{1}{4}$ of Section 25, Tp. 16 S., R. 21 E. of San Bernardino Base and Meridian, and being further described as a point of location on the west bank of the Colorado River in San Diego County, State of California, $1\frac{1}{2}$ miles more or less up the river from the point where the International line between the United States of America and the Republic of Mexico intersects the west bank of the Colorado River. The said point of diversion is more specifically described as extending from a point due west of the pumping plant of the Paymaster Mining Company up the River a distance of 500 feet more or less, to a hill, and

WHEREAS, such notice and filing by me and for others was and is intended to mean the California Development Company, a corporation duly organized and existing under and by virtue of the laws of New Jersey, one of the United States of America, and

WHEREAS, such notice and filing first above mentioned is recorded in the Books kept for such purpose in the office of the County Recorder of San Diego County, State of California, U. S. A.

NOW THEREFORE, For and in consideration of one dollar United States coin, and other valuable consideration to me in hand paid by said The California Development Company, the receipt of which is hereby acknowledged, do hereby for myself and others assign all my right, title and interest to the hereinabove mentioned water to the

said The California Development Company.

E. I. Rockwell

Signed, sealed and delivered in
the presence of L. W. Morgan

State of California)
) ss
County of Los Angeles)

On this 15th day of August, 1911, before me, S. F. McClung, a Notary Public in and for said County of Los Angeles, residing therein, duly commissioned and sworn, personally appeared E. I. Rockwell, known to me to be the person described in and whose name is subscribed to the within instrument, and who acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

(NOTARIAL SEAL)

S. F. McClung, Notary Public in
and for the County of Los Angeles,
State of California.

Recorded at request of W. H. Holabird, as Receiver, Aug. 19, 1911, at 10 min. past 11 A. M., in Book 2, page 21 of Water Claims, Imperial County Records.

Fees \$1.10

John Norton, County Recorder.

15-280

File	550
Minutes	55
Reservoir	
Gen. Mer.	
Con. Burr.	
Agency	
Public	

NOTICE is hereby given that John M. Hess claims and appropriates at the point where this notice is posted all the unappropriated waters of the Colorado River, both surface and underflow, more specifically stated as amounting to seven thousand cubic feet.

This notice is posted August 24th, A. D. 1907, on a boulder rock about one quarter of a mile above the Southern Pacific Railway Bridge across the Colorado River on the California side of said River and about three hundred feet above the present landing of the Hodge's Ferry on and across said River, and exactly at the point of the Promontory of the Indian Reservation School Hill that extends furthest south into said Colorado River. The point of location and posting of this notice is more particularly located and described as being in line with the proposed John M. Hess-Dam, to be built at said point, and ten feet from the north line of the south abutment of said John M. Hess-Dam.

The water is to be used for irrigating purposes, domestic purposes and more particularly for the development of electric power and mechanical power, to be used for all beneficial purposes in and upon the lands situated in Imperial County, State of California, and in, and adjacent to the Town of Fort Yuma.

And John M. Hess declares that it is his intention and purpose and he fully intends and proposes to build at this point, on and across said Colorado River, from bank to bank, a dam that is to be known as the John M. Hess-Dam, and that he intends to and will construct and maintain, a reservoir, which, together with said Dam, will be sufficient to maintain the water in said Colorado River at or near the present high water mark, or just sufficiently under the same to do no damage to adjacent property or property adjacent to said River Dam and reservoir. Said Dam to be constructed with a lock or system of locks to admit of the passage of the present largest river going vessels on said River, one purpose of said Dam being to store the

residue of water passing from the United States Dam at Laguna and thereby preserve the navigability of said River between the Town of Fort Yuma and the said Laguna Dam--(as the diversion of three thousand cubic second feet at said Laguna Dam destroys the navigability of said Colorado River, unless the waters of said River be stored as above set forth, and it is hoped that the United States Government will erect and maintain in said Laguna Dam a lock or system of locks, so that the navigability of said River may not be destroyed and this means of transportation be lost to the people.)

It is intended by said John M. Hess, to construct at said Dam power plants for the purpose of securing power for light, heat and other beneficial purposes and to pump water from above said Dam to mesa and desert lands of the State of California not reached or included in the Government project at Laguna Dam, for the irrigation and reclamation of the same. The purpose of said Dam is to preserve the navigability of the River, to create power to supplement the work of the United States Government at the Laguna Dam and its irrigation project there.

And it is the intention of the said John M. Hess to construct said Dam and reservoir in such manner that the water diverted by him at said point shall in no way interfere with the present low water flow of said Colorado River; such water as is diverted is to be diverted by means of pumps, flumes, pipes, canals and ditches of various kinds, the size of the main one of which shall be fifty at the bottom, five feet deep or such dimension as will give it an equivalent capacity; the size of the conduits are to be such as to give them sufficient capacity to carry the amount of water required.

A series of such dams and locks as the one proposed to be built at this point and built at proper distance apart from the mouth of the Colorado River to the Grand Canyon, would conserve the waters, assure a cheap means of transportation and create

File	556
Minutes	557
RECEIVED	SEPT
Gen. Mgr.	
Gen. Bkgr.	
Attorney	
Auditor	

a plentitude of cheap power not to be found elsewhere in the world.

John M. Hess, (SEAL.)

TERRITORY OF ARIZONA #
County of Yuma # ss

I Geo. Michelsen, a Notary Public in and for the County of Yuma, Territory of Arizona, do hereby certify, that John M. Hess, personally known to me to be the party whose name is subscribed to the foregoing instrument did appear before me this 26" day of August, and acknowledged that he did sign & seal the foregoing instrument for the uses and purposes therein set forth.

Geo. Michelsen
Yuma County
Arizona,
Notary Public

Geo. Michelsen, Notary Public.

My commission expires April 16" 1910.

Recorded at request of John M. Hess, Sept. 4, 1907, at 9
A. M.

Jno B Baker County Recorder.

G Williams Deputy Recorder.

15-283

5501	
5570	
RECEIVED	DATE
Gen. Mgr.	
Asst. Mgr.	
Secy.	
Treas.	
Compt.	
Eng.	
Arch.	
Steno.	
Clk.	

Water Notice.

Book 3, Page 280 W. C.

April 25th, 1899.

To Whom It May Concern:

Notice is hereby given that I, C. N. Perry, a citizen of the United States of America, and of the State of California, do for myself and the California Development Company, a corporation, duly and lawfully organized on the 24th day of April, 1898, under and by virtue of the laws of the State of New Jersey, one of the United States of America, claim ten thousand (10,000) cubic feet per second of the water of the Colorado River flowing by the intended point of diversion as follows:

The intended point of diversion is located on the Southwest quarter of Section Twenty-five (25) Township Sixteen (16) South Range Twenty-one (21) East of San Bernardino Base and Meridian and being further described as a point of location on the west bank of the Colorado River in San Diego County, State of California, one and one-fourth miles, more or less, up the river from the point where the international line between the United States of America and the Republic of Mexico intersects the west bank of the Colorado River.

The said point of diversion is more specifically described as extending from a point due east of the pumping plant of the Paymaster Mining Company, up the river a distance of five hundred feet, more or less to a hill.

I claim the right to the said 10,000 cubic feet per second for the purpose of developing power and for the irrigation of lands in San Diego County, State of California, U. S. A. and in Lower California, Republic of Mexico.

The purpose of this claim is to carry the water herein

appropriated from the above described point of diversion through a canal which will run in a southwesterly direction to Lower California, Republic of Mexico, and from thence into that portion of San Diego County, State of California, U. S. A. lying to the East of the San Jacinto Mountains, and known as the New River Country.

Said canal will be 200 feet, more or less in width, and will carry approximately in depth 10 feet of water, the length of the canal will be 80 miles more or less.

C. N. Perry.

I, W. T. Heffernan, a Citizen of Yuma, Arizona, U. S. A. do hereby certify, that I witnessed the posting of the original notice of which the foregoing is a true, correct and faithful copy.

W. T. Heffernan.

I, C. N. Perry, the within named person, who filed the foregoing notice of water appropriation, do for One Dollar and other valuable considerations, hereby assign all my right, title and interest in the within named claim of the right to appropriate water from the Colorado River to the amount named herein being 10,000 cubic feet per second to the said California Development Company.

C. N. Perry.

Recorded at request of C. N. Perry May 2, 1889 at 9 o'clock, A.M.

Jno. F. Forward,

Recorder.

By A. P. Johnson

Dep. Recorder.

15-284

Water Notice.

FILE	5501	5570
INDEXED		
RECORDED	SENT	ANS
DATE		
Dec 15 1895		

To whom it may Concern.

Notice is hereby given that we the California Development Company a Corporation organized under the laws of the State of New Jersey do for ourselves and others claim (10,000) ten thousand Cubic feet per second of the water of the Colorado river flowing by this intended point of diversion. This intended This intended point of diversion being located on the S.W. $\frac{1}{4}$ of Section 25 Tp 16 S. R. 21 E. of San Bernardino Base and Meridian and being further described as a point or location on the West bank of the Colorado River in San Diego County State of California one and one quarter miles more or less up the river from the point where the International Line between the United States and Mexico intersects the West bank of the Colorado River.

The said point of diversion is more specifically described as extending from a point due West of the Pumping Plant of the Paymaster Mining Co up the river a distance of (500) five hundred feet, more or less to a hill

We the California Development Company claim the right to the said 10000 Cubic feet per second for the purpose of developing power and for the irrigation of lands in San Diego County State of California and in Lower California, Republic of Mexico. We purpose carrying the water from the above described point of diversion through a Canal which will run in a South Westerly direction through Lower California Republic of Mexico, and thence into that portion of San Diego County State of California lying to the East of the San Jacinto Mts and known as the New River County. Said Canal will be 200 feet in width and will carry a depth of 10 feet of water. Its length will be 80 miles more or less

I hereby certify that I witnessed the posting of the original Water notice of which this is a true and correct copy.

William T Heffernan

Recorded at Request of W. T. Heffernan, Dec. 19, 1898 at 9 o'clock a. m.

Jno. F. Forward Recorder
By Wm E. Spohn Deputy Recorder

Lib. 3 Page 242
San Diego Co. Records
Fee 75¢

15-290

File	5501
Amount	557
Reference	557
Gen. Mfr.	
Gen. Mfr.	
Gen. Mfr.	
Gen. Mfr.	
Gen. Mfr.	

Water Notice.

Dec 15 1895

To whom it may Concern.

Notice is hereby given that we the California Development Company a Corporation organized under the laws of the State of New Jersey do for ourselves and others claim (10,000) ten thousand Cubic feet per second of the water of the Colorado river flowing by this intended point of diversion. This intended This intended point of diversion being located on the S.W. $\frac{1}{4}$ of Section 25 Tp 16 S. R. 21 E. of San Bernardino Base and Meridian and being further described as a point or location on the West bank of the Colorado River in San Diego County State of California one and one quarter miles more or less up the river from the point where the International Line between the United States and Mexico intersects the West bank of the Colorado River.

The said point of diversion is more specifically described as extending from a point due West of the Pumping Plant of the Paymaster Mining Co up the river a distance of (500) five hundred feet, more or less to a hill

We the California Development Company claim the right to the said 10000 Cubic feet per second for the purpose of developing power and for the irrigation of lands in San Diego County State of California and in Lower California, Republic of Mexico. We purpose carrying the water from the above described point of diversion through a Canal which will run in a South Westerly direction through Lower California Republic of Mexico, and thence into that portion of San Diego County State of California lying to the East of the San Jacinto Mts and known as the New River Country Said Canal will be 200 feet in width and will carry a depth of 10 feet of water. Its length will be 80 miles more or less

I hereby certify that I witnessed the posting of the original

Water notice of which this is a true and correct copy.

William T Hefferman

Recorded at Request of W. T. Hefferman, Dec. 19, 1898 at
9 o'clock a m.

Jno. F Forward Recorder

Lib. 3 Page 242
San Diego Co. Records
Fee 75¢

By Wm R. Spohn Deputy Recorder

15-291

Water Notice

May 16th 1895

To whom it may concern,

Notice is hereby given that I E. I. Rockwell a citizen of the United States and of the State of California do for myself and others claim Ten Thousand (10000) cubic feet per second of the water of the Colorado River flowing by this intended point of diversion.

This intended point of diversion being located on the S W. $\frac{1}{4}$ of Section 25 Tp. 16 S. R. 21 E. of San Bernardino Base and meridian and being further described as a point or location on the West bank of the Colorado River in San Diego County State of California one and one quarter miles more or less up the river from the point where the International line between the United States and Mexico intersects the west bank of the Colorado River

The said point of diversion is more specifically described as extending from a point due west of the pumping plant of the Paymaster Mining Co. up the river a distance of 500 feet more or less to a hill

I Claim the right to the said 10,000 cubic feet per second for the purpose of developing power and for the irrigation of lands in San Diego County State of California and in Lower California Republic of Mexico

I purpose carrying the water from the above described point of diversion through a canal which will run in a South Westerly direction through Lower California Republic of Mexico and thence into that portion San Diego County State of California lying to the East of the San Jacinto Mts and known as the "New River Country."

Said Canal will be 200 feet in width and will carry a depth of 10 feet of water Its length will be 80 miles more or less

We John F Whittington and Ed J Rau do Solemnly swear that that we have this 16th day of May 1895 witnessed the posting of the original Notice of Water appropriations of which this is a true copy at the point or place herein designated

Subscribed and sworn to before

me this 16th day of May A. D. 1895.

W. T. Hefferman,

U. S. Commissioner Southern Dist

of Colo.

)
) John T Whittington
)
) Ed J Rau
)
)
)

Recorded at Request of Wells Fargo & Co May 18 1895 at 5

o'clock P. M.

Jno. F. Forward, Recorder

1.25 Lib. 3 Page 3

San Diego Co. Records By J. L. Forward Deputy Recorder.

15-292

May 16th 1895

Notice is hereby given that I E.I. Rockwell a citizen of the United States and of the State of California do for myself and others claim Ten Thousand (10000) cubic feet per second of the water of the Colorado River flowing by this intended point of diversion.

This intended point of diversion being located on the S W. $\frac{1}{4}$ of Section 25 Tp. 16 S. R. 21 E. of San Bernardino Base and meridian and being further described as a point or location of the West bank of the Colorado River in San Diego County State of California one and one quarter miles more or less up the river from the point where the International line between the United States and Mexico intersects the west bank of the Colorado River

The said point of diversion is more specifically described as extending from a point due west of the pumpint plant of the Paymaster Mining Co. up the river a distance of 500 feet more or less to a hill

I Claim the right to the said 10,000 cubic feet per second for the purpose of developing power and for the irrigation of lands in San Diego County State of California and in Lower California Republic of Mexico

I purpose carrying the water from the above described point of diversion through a canal which will run in a South Westerly direction through Lower California Republic of Mexico and thence into that portion of San Diego County State of California lying to the East of the San Jacinto Mts and known as the "New River Country".

Said Canal will be 200 feet in width and will carry a depth of 10 feet of water Its length will be 80 miles more or less

We John F. Whittington and Ed J. Rau do Solemnly swear that that we have this day (16th) of May 1895 witnessed the posting of the original Notice of Water appropriations of which this is a true copy at the point or place herein designated.

Subscribed and sworn to before
me this 16th day of May A.D. 1895.

W. T. Hefferman,
U. S. Commissioner Southern Dist
of Colo.

John T. Whittington

Ed J Rau

Recorded at Request of Wells Fargo & Co May 18 1895 at 5
o'clock P. M.

Jno. F. Forward, Recorder

1.25 Lib. 3 Page 3
San Diego Co. Records

By J. L. Forward Deputy Recorder.

15-299

FILE	5521
Abstract	5571
Particulars	
Gen. Acc't	
Cont. Rec'd	
Abstract	
Auditor	

Water Notice.

May 16th, 1895.

To whom it May Concern:- Notice is hereby given that I, E. I. Rockwell, a citizen of the United States and of the State of California, do for myself and others claim ten thousand (10,000) cubic feet per second of the water of the Colorado River flowing by this intended point of diversion.

This intended point of diversion being located on the S. W. 1/4 of Section 25 tp 16 S. R. 21 East of San Bernardino Base and Meridian and being further described as a point or location on the West bank of the Colorado River in San Diego County, State of California, one and one quarter miles more or less up the river from the point where the international line between the United States and Mexico intersects the West bank of the Colorado River.

The said point of diversion is more specifically described as extending from a point due East of the pumping plant of the Paymaster Mining Company up the river a distance of 500 feet more or less to a hill.

I claim the right to the said 10,000 cubic feet per second for the purpose of developing power and for the irrigation of lands in San Diego County, State of California, and in Lower California, Republic of Mexico.

I purpose carrying water from the above described point of diversion through a canal which will run in a South-westerly direction through Lower California, Republic of Mexico, and thence into that portion of San Diego County, State of California, lying to the East of the San Jacinto Mts. and known as the "New River Country".

Said canal will be 200 feet in width and will carry a depth of 10 feet of water. Its length will be 80 miles more

Book 3 Page 16.

Water Notice

July 18th, 1895.

To Whom it May Concern:

Notice is hereby given that I, W. T. Gonder, a citizen of the United States, and of the State of California, do for myself and others, claim ten thousand (10,000) cubic feet per second of the water of the Colorado River flowing by this intended point of diversion.

This intended point of diversion being located on the S. W. 1/4 of Section 25 T¹⁶ S. R. 21 E of San Bernardino Base and meridian and being further described as a point or location on the West bank of the Colorado River in San Diego County, State of California, 1-1/4 miles more or less up the river from the point where the International Line between the United States and Mexico intersects the West Bank of the Colorado River.

The said point of diversion is more specifically described as extending from a point due West of the pumping plant of the Paymaster Mining Company up the river a distance of 500 feet more or less to a hill.

I claim the right to the said (10,000) cubic feet per second for the purpose of developing power and for the irrigation of lands in San Diego County, State of California, and in Lower California, Republic of Mexico.

I propose carrying the water from the above described point of diversion through a canal which will run in a South-westerly direction through Lower California, Republic of Mexico, and thence into that portion of San Diego County, State of California lying on the East of the San Jacinto Mts. and known as the New

River Country.

Said canal will be 200 feet in width and will carry a depth of 10 feet of water. Its length will be 80 miles more or less.

I, Ed J. Rau, of Fort Yuma, San Diego, California, do solemnly swear that I have this 15th day of July, 1895, witnessed the posting of the original no ice of water appropriation of which this is a true copy at the point or place herein designated.

(Signed) Ed. J. Rau,

Subscribed and sworn to before
me this 15th day of July, A.D. 1895.

J. T. Heffernan

U. S. Commissioner.

Southern Dist. of Cal.

Recorded July 17, 1895, at 9:55 A. M.

Jno. W. Forward,

Recorder.

WATER NOTICE.

Sept. 13, 1895.

Book 3 Page 35.

To Whom it May Concern:-

Notice is hereby given that I, J. T. Heffernan, a citizen of the United States and of the State of California, do for myself and others claim ten thousand (10,000) cubic feet per second of the water of the Colorado River, flowing by this intended point of diversion.

This intended point of diversion being located on the N. W. 1/4 of section 25 tp. 16 N. E. 21 E. of San Bernardino base and meridian, and being further described as a point of location on the west bank of the Colorado River in San Diego County, State of California, 1-1/4 miles more or less up the river from the point where the International line between the United States and Mexico, intersects the east bank of the Colorado River.

The said point of diversion is more specifically described as extending from a point due west of the pumping plant of the Paymaster Mining Company up the Colorado River a distance of 50 feet more or less to a hill.

I claim the right to the said ten thousand (10,000) cubic feet per second for the purpose of developing power and for the irrigation of lands in San Diego County, California, and in Lower California, Republic of Mexico.

I purpose carrying the water from the above described point of diversion, through a canal which will run in a south-westerly direction through Lower California, Republic of Mexico, and thence into that portion of San Diego County, State of California, lying to the East of the San Jacinto Mts. and known

as the New River Country.

Said canal will be 200 feet in width and will carry a depth of 10 feet of water. Its length will be 80 miles more or less.

I hereby certify that this is a true and correct copy of a water notice posted this 13th day of September, 1895, by me, at the above designated spot.

J. T. DEE PERMAN.

U. S. C. Commissioner,
Southern District of Cal.

Witness D. L. Russell

Recorded at request of claimant Sept. 16,
1895, at 37 Min. past 8 o'clock.

Jno. F. Forward,

Recorder.

By J. L. Forward,
Deputy Recorder.

Water Claim Book 3 page 46.

Water Notice.

November 12, 1895.

To Whom it May Concern.

Notice is hereby given that I, W. T. Conder, a citizen of the United States and of the State of California, do for myself and others claim Ten Thousand (10,000) cubic feet per second of the water of the Colorado River flowing by this intended point of diversion.

This intended point of diversion being located on the S. . . 1/4 ^{of} Section 25, tp. 16 N. R. 21 E., of San Bernardino Base and Meridian, and being further described as a point or location on the . . . bank of the Colorado River in San Diego County, State of California, one and one-half (1-1/2) miles more or less up the river from the point where the International line between the United States and Mexico intersects the west bank of the Colorado River. The said point of diversion is more specifically described as extending from a point due west of the pumping plant of the Paymaster Mining Co., up the river a distance of 200 feet more or less to a hill.

I claim the right to the said ten thousand (10,000) cubic feet per second for the purpose of developing power and for the irrigation of lands in San Diego County, State of California, and in Lower California, Republic of Mexico.

I purpose carrying the water from the above described point of diversion, through a canal in a Southwesterly direction through Lower California, Republic of Mexico, and thence into that portion of San Diego County, State of California, lying to the East of the San Jacinto Mountains and known as the New River Country. Said Canal will be 20 feet in width and will carry a depth of 10 feet of water. Its length will be 80 miles more or less.

I, John F. Whittington of Fort Yuma, San Diego County, California, do solemnly swear that I have this 12th day of November, 1895, witnessed the posting of the original notice of water appropriation of which this is a true copy at the point or place herein designated.

John F. Whittington.

Subscribed and sworn to
before me this 12th day of
November, 1895.

W. T. Heffernan

U. S. C. Commissioner.

Southern District of Cal.

Recorded at request of claimant Nov. 14, 1895,
at 55 min. past 8 o'clock A. M.

John F. Forward,

Recorder.

By J. L. Forward,

Deputy Recorder.

Water Claim.

Book 3 Page 58.

Water Claim of

W. T. Gonder, Water Notice, Jan. 14th, 1896.

To Whom It May Concern:-

Notice is hereby given that I, W. T. Gonder, a citizen of the United States, and of the State of California, do for myself and others, claim ten thousand (10,000) cubic feet per second of the water of the Colorado River flowing by this intended point of diversion. This intended point of diversion being located on the SW 1/4 of section 25 tp 16 S. R. 21 E of San Bernardino Base and Meridian, and being further described as a point or location on the west bank of the Colorado River in San Diego County, State of California, 1-1/4 miles, more or less, up the river from the point where the International Line between the United States and Mexico intersects the West bank of the Colorado River. The said point of diversion is more specifically described as extending from a point due west of the pumping plant of the Raymond Mining Company, up the river a distance of 500 feet, more or less, to a hill.

I claim the right to the said 10,000 cubic feet per second, for the purpose of developing power and for the irrigation of lands in San Diego County, State of California, and in Lower California, Republic of Mexico. I propose carrying the water from the above described point of diversion through a canal which will run in a Southwesterly direction, through Lower California, Republic of Mexico, and thence into that portion of San Diego County, State of California, lying to the East of the San Jacinto Mts., and known as the New River Country, said canal will be 200 feet in width and will carry a depth of 10 feet of water. Its length will be 80 miles, more or less.

I, J. Urdal, of Yuma County, Arizona, do solemnly swear that I have this 14th day of January, 1896, witnessed the posting of the original notice of water appropriation of which this is a true copy, at the point or place of diversion herein designated.

J. Urdal.

Subscribed and sworn to)
before me this 14th day)
of January A. D., 1896.)
W. T. Heffernan,)
U. S. Commissioner,)
Southern District of California.)

Recorded Jan. 16, 1896, at 8:45 A. M.,

Jno. P. Forward

Recorder.

Book 3, Page 76, Water Claims.

Water Notice.

To Whom It May Concern:

Notice is hereby given that I, W. T. Heffernan, a citizen of the United States, and of the State of California, do for myself and others, claim ten thousand cubic feet per second of the water of the Colorado River flowing by this intended point of diversion.

This intended point of diversion being located on the SW 1/4 of Section 25, Tp. 16 S.R. 21 E., of San Bernardino Base and Meridian and being further described as a point or location on the West Bank of the Colorado River in San Diego County, State of California, one and one quarter miles, more or less, up the river from the point where the International Line, between the United States and Mexico, intersects the West Bank of the Colorado River. The said point of diversion is more specifically described as extending from a point due West of the pumping plant of the Paymaster Mining Company, up the river a distance of 500 feet, more or less, to a hill.

I claim the right to the said 10,000 cubic feet per sec for the purpose of developing power and for the irrigation of land in San Diego County, State of California, and in Lower California Republic of Mexico.

I purpose carrying the water from the above described point of diversion through a canal which will run in a Southwest direction through Lower California, Republic of Mexico, and then into that portion of San Diego County, State of California, lying to the East of the San Jacinto Mts., and known as the New River Country, said canal will be 200 feet in width and will carry a depth of 10 feet of water. Its length will be 80 miles, more or less.

W. T. Heffernan.

17.

I, Jacob Urdal, a citizen of Yuma, A. T., hereby certify that I witnessed the posting of the written notice of which this is a true copy, at the point or place herein described on the 16th day of March 1896.

Jacob Urdal,

Recorded March 18th, 1896 at 8:35 A. M.

John F. Forward,

Recorder.

Water Notice, May 16th, 1896.

To Whom It May Concern:-

Notice is hereby given that I, W. T. Heffernan, a citizen of the United States and of the State of California, do for myself and others, claim ten thousand (10,000) cubic feet per second of the water of the California River flowing by this intended point of diversion. This intended point of diversion being located on the South West 1/4 of Section 25, Tp. 16 N. R. 21 E., of San Bernardino Base and Meridian, and being further described as a point or location on the West bank of the Colorado River, in San Diego County, State of California, one and one quarter miles more or less, up the river, from the point where the International Line between the United States and Mexico intersects the West Bank of the Colorado River.

The said point of diversion is more specifically described as extending from a point due west of the pumping plant of the Paymaster Mining Company, up the river a distance of 500 feet, more or less, to a hill, I claim the right to the said 10,000 cubic feet per second, for the purpose of developing power and for the irrigation of the lands in San Diego County, State of California, and in Lower California, Republic of Mexico. I purpose carrying the water from the above described point of diversion through a canal which will run in a southwesterly direction through Lower California, Republic of Mexico, and thence into that portion of San Diego County, State of California, lying to the East of the San Jacinto Mts., as known as the New River Country.

Said canal will be 400 feet in width and will carry a depth of 10 feet of water. Its length will be 90 miles, more or less.

W. T. Heffernan.

129.

I hereby certify that I witnessed the posting of the original water notice of which this is a true and correct copy.

J. Ordal.

Recorded May 18th, 1896, at 8:30 A. M.

Jno. P. Forward,

Recorder.

Book 3, Page 152, Water Claims.

Water Notice.

To Whom It May Concern:-

Dated January 23, 1897.

Notice is hereby given that C. T. Hoffmann, A citizen of the United States and of the State of California, do for myself and others claim ten thousand (10,000) cubic feet per second of the water of the Colorado River flowing by this intended point of diversion.

This intended point of diversion being located on the S. W. 1/4 of Section 25, Tp. 16 S. R. 21 E., of San Bernardino Base and Meridian, and being further described as a point or location on the West Bank of the Colorado River, in San Diego County, State of California, one and one quarter miles, more or less, up the river from the point where the International line between the United States and Mexico intersects the west bank of the Colorado River.

The said point of diversion is more specifically described as extending from a point due West of the pumping^{plant} of the Paymaster Mining Company, up the river a distance of 500 feet, more or less, to a hill.

I claim the right to the said 10,000 cubic feet per second, for the purpose of developing power and for the irrigation of lands in San Diego County, State of California, and in Lower California, Republic of Mexico. I purpose carrying the water from the above described point of diversion through a canal which will run in a southwesterly direction through Lower California, Republic of Mexico, and thence into that portion of San Diego County, State of California, lying to the East of the San Jacinto Mts., and known as the New River Country, said canal will be 200 feet in width and will carry a depth of 10 feet of water. Its length will be 80 miles, more or less.

C. T. Hoffmann.

151

I hereby certify that I witnessed the posting of the original water notice of which this is a true and correct copy.

H. W. Anthony.

Yuma, Jan., 23rd, 1897.

Recorded Jan. 25, 1897, at 2:30 P. M.

Jno. F. Forward,
Recorder.

132.

Book 3, Page 160, S. Claims.

Water Notice.

March 27, 1897.

To Whom It May Concern:-

Notice is hereby given that I, W. T. Gonder, a citizen of the United States and of the State of California, do for myself and others, claim ten thousand (10,000) cubic feet per second of the water of the Colorado River flowing by this intended point of diversion.

This intended point of diversion being located on the ^{of} Sw 1/4/Section 35, Tp. 16 N. R., 21 E. of San Bernardino Base and Meridian and being further described as a point or location on the West bank of the Colorado River in San Diego County, State of California, one and one quarter miles, more or less, up the river from the point where the International Line between the United States and Mexico intersects the West bank of the Colorado River. The said point of diversion is more specifically described as extending from a point due west of the pumping plant of the Paymaster Mining Company, up the River a distance of 500 feet, more or less, to a hill.

I claim the right to the said 10,000 cubic feet per second for the purpose of developing power and for the irrigation of land in San Diego County, State of California, and in Lower California, Republic of Mexico. I purpose carrying the water from the above described point of diversion through a canal which will run in a southwesterly direction through Lower California, Republic of Mexico, and thence into that portion of San Diego County, State of California, lying to the East of the San Jacinto Mountains and known as the New River Country. Said Canal will be 200 feet

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in width and will carry a depth of 10 feet of water. Its length will be 80 miles more or less.

W. T. Conder.

I hereby certify that I witnessed the posting of the original Water Notice, of which this is a true and correct copy.

W. T. Heffernan.

Recorded Mar. 29, 1897, at 3:05 P. M.

Jno. E. Forward,

Recorder.

154.

Water Claims Book 3 Page 168.

Water Notice.

July 24, 1897.

To Whom It May Concern:

Notice is hereby given that W. T. Heffernan, a citizen of the United States and of the State of California, do for myself and others, claim ten thousand (10,000) Cubic feet per second of the water of the Colorado River, flowing by this intended point of diversion. This intended point of diversion being located on the Sw 1/4 of section 25, tp. 16 S. R. 21 E., of San Bernardino Base and Meridian and being further described as a point or location on the west bank of the Colorado River in San Diego County, State of California, one and one quarter miles more or less up the river from the point where the International Line between the United States and Mexico intersects the west bank of the Colorado River.

The said point of diversion is more specifically described as extending from a point due west of the pumping plant of the Paymaster Mining Company up the Colorado River a distance of 500 feet more or less to a hill.

I claim the right to the said ten thousand (10,000) Cubic feet per second for the purpose of developing power and for the irrigation of land in San Diego County, California, and in Lower California, Republic of Mexico. I purpose carrying water from the above described point of diversion through a canal which will run in a Southwesterly direction through Lower California, Republic of Mexico, and thence into that portion of San Diego County, State of California, lying to the East of the San Jacinto Mts., and known as the New River Country. Said canal will be 100 feet in width and will carry a depth of 10 feet of water. Its length will be 80 miles more or less.

W. T. Heffernan.

135.

I hereby certify that I witnessed the posting of the original water notice of which this is a true and correct copy.

W. F. Anthony.

Recorded Jul. 26, 1897, at 5:30 P. M.

Wm. F. Forward,

Recorder.

Book 3, Page 242 . Claims.

Water Notice.

Dec. 15, 1898.

To Whom It May Concern:

Notice is hereby given that we the California Development Company, a corporation organized under the laws of the State of New Jersey, do for ourselves and others claim (10,000) ten thousand Cubic feet per second of the water of the Colorado River flowing by this intended point of diversion.

This intended point of diversion being located on the Sw 1/4 of Section 25 Tp. 16 N. R., 21 E., of San Bernardino Base and Meridian and being further described as a point or location on the West Bank of the Colorado River in San Diego County, State of California, one and one quarter miles more or less, up the river from the point where the International Line between the United States, and Mexico intersects the West Bank of the Colorado River.

The said point of diversion is more specifically described as extending from a point due west of the pumping plant of the Paymaster Mining Co., up the river a distance of (500) five hundred feet more or less to a hill.

We, the California Development Company, claim the right to the said 10000 cubic feet per second for the purpose of developing power and for the irrigation of land in San Diego County, State of California, and in Lower California, Republic of Mexico.

For purpose carrying the water from the above described point of diversion through a Canal which will run in a Southwest-erly direction through Lower California, Republic of Mexico, and thence into that portion of San Diego County, State of California, lying to the East of the San Jacinto Mts., and known as the New River Country. said canal will be 20 feet in width and will carry a depth of 10 feet of water. Its length will be 80 miles more or less.

(no signature)

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I hereby certify that I witnessed the posting of
the original water notice of which this is a true and correct
copy.

William W. Heffernan.

Recorded Dec. 19, 1898, at 9 A. M.

Jno. F. Forward,

Recorder.

138.

Book 3 after Claims page 243.

Water Notice.

Dec. 31st, 1898.

To Whom It May Concern:

Notice is hereby given that C. H. Perry a citizen of the United States of America, and of the State of California, do for myself and The California Development Company, a corporation duly and lawfully organized under and by virtue of the laws of the State of New Jersey one of the United States of America, and on the 24th day of April, 1898, claim Ten Thousand (10,000) cubic feet per second of the water of the Colorado River, flowing by the intended point of diversion, as follows:

The intended point of diversion is located on the SW $\frac{1}{4}$ of Section 25, Tp 16 S. R. 2 E, of San Bernardino Base and Meridian, and being further described as a point of location on the west bank of the Colorado River in San Diego County, State of California, $1\frac{1}{2}$ miles more or less up the river from the point where the international line between the United States of America and the Republic of Mexico intersects the west bank of the Colorado River. The said point of diversion is more specifically described as extending from a point due west of the pumping plant of the Paymaster Mining Company up the river a distance of 500 feet more or less, to a hill.

I claim the right to the said 10,000 cubic feet per second for the purpose of developing power and for the irrigation of lands in San Diego County, State of California, U. S. A., and in Lower California, Republic of Mexico. The purpose of this claim is to carry the water herein appropriated from the above described point of diversion through a canal which will run in a southwesterly direction through Lower California, Republic of

Mexico, and from thence into that portion of San Diego County, State of California, U. S. A., lying to the East of the San Jacinto mountains and known as the New River Country. Said canal will be 200 feet, more or less, in width, and will carry approximately in depth ten feet of water. The length of the canal will be 80 miles, more or less.

(Not signed)

I, W. T. Haffernan, a citizen of the territory of Arizona, U. S. A., hereby certify that I witnessed the posting of the original notice, of which the foregoing is a true, correct and faithful copy.

W. T. Haffernan.

I, C. H. Perry, the within named person, who filed the foregoing notice of water appropriation for one dollar and other valuable consideration do hereby assign all my right, title and interest in ^{the} within named claim of the right to appropriate water from the Colorado River to the amount named therein, being 10,000 cubic feet per second, to the said The California Development Company.

C. H. PERRY.

Witness:

C. White Mortimer)
British Vice Consul)
at Wilmington and)
Los Angeles, Cal.)

State of California

County of _____ ss.

Personally appeared C. H. Perry, before me, a Notary Public in and for the County aforesaid. He is personally known to me and acknowledged that he voluntarily signed this document, on

I do hereby certify that he signed his name in my presence.

Witness my hand and notarial seal this 23rd day of December, 1898.

(Seal)

James Larciner

Notary Public in and for the County of Los Angeles, State of California.

British Vice Consulate,

Los Angeles.

To All To Whom These Presents Shall Come;

I, Charles White Mortimer, British Vice Consul for Wilmington and Los Angeles in the State of California, residing at Los Angeles, do hereby certify that I have reason to believe that the signature subscribed and seal affixed to the Certificate hereunto annexed, are the true signature and seal of James Larciner who was, on the day of the date of said Certificate, a Notary Public in and for the County of Los Angeles, in the State of California, duly commissioned to those official acts as such, faith and credit are due.

In Testimony whereof etc. this 23rd day of December, 1898

C. White Mortimer.

SEAL

British Vice-Consul.

I, John F. Forward, Recorder in and for the County of San Diego, State of California, U. S. A., do hereby certify that the foregoing instrument was recorded in the office of the County Recorder of San Diego County, State of California, U. S. A., on the 24th day of December, 1898, at 4 o'clock and 40 minutes in Book No. 5 of Water Claims, at pages 245 et seq., and I do hereby further certify that it is a true, correct and faithful copy of the original water notice which was filed in the office of the Recorder in the County of San Diego, State of California, U. S. A.,

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on the 24th day of Dec. 1898.

John F. Forward,

County Recorder.

(SEAL).

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State of California,

County of San Diego, SS.

Personally appeared John F. Forward before me a Notary Public,, in and for the County aforesaid, who is personally known to me to be the Recorder for said County and State, who acknowledged to me that he voluntarily made and signed the foregoing certificate, and I do hereby certify that he signed his name in my presence.

Witness my hand and notarial seal this 24th day of Dec. A. D. 1898.

William R. John.

(SEAL) Notary Public in and for the County of San Diego, State of California.

Recorded Dec. 24, 1898, at 4.50 P. M.

John F. Forward.

Recorder.

Book 5 Page 247 Water Claims.

Water Notice.

To Whom It May Concern: Dec. 21st, 1898.

Notice is hereby given that C. H. Perry, a citizen of the United States of America, and of the State of California, do for myself and for the California Development Company, a corporation duly and lawfully organized under and by virtue of the laws of the State of New Jersey, one of the United States of America, on the 24th day of April, 1898, claim ten thousand (10,000) cubic feet per second of the water of the Colorado River flowing by the intended point of diversion, as follows:

The intended point of diversion is located on the SW 1/4 of section 25, Tp. 16 S. R. 21 E., of San Bernardino Base and Meridian, and being further described as a point of location on the west bank of the Colorado River in San Diego County, State of California, 1-1/4 miles more or less up the river from the point where the international line between the United States of America and the Republic of Mexico intersects the west bank of the Colorado River. The said point of diversion is more specifically described as extending from a point due west of the pumping plant of the Jaymaster Mining Company up the river a distance of 500 feet, more or less, to a hill.

I claim the right to the said 10,000 cubic feet per second for the purpose of developing power and for the irrigation of lands in San Diego County, State of California, U. S. A., and in Lower California, Republic of Mexico. The purpose of this claim is to carry the water herein appropriated from the above described point of diversion through a canal which will run in a southwesterly direction, through Lower California, Republic of Mexico, and from hence into that portion of San Diego

County, State of California, U. S. A., lying to the East of the San Jacinto Mountains, and known as the New River Country. Said canal will be 200 feet, more or less, in width, and will carry approximately in depth, 10 feet of water. The length of the canal will be 80 miles, more or less.

C. H. Perry.

I, W. T. Hoffernan, a citizen of the Territory of Arizona, U. S. A., hereby certify that I witnessed the posting of the original notice, of which the foregoing is a true, correct and faithful copy.

W. T. Hoffernan.

I, C. H. Perry, the within named person who filed the foregoing notice of water appropriation, for one dollar and other valuable consideration, do hereby assign all my right, title and interest in the within named claim of the right to appropriate water from the Colorado River, to the amount named therein, being 10,000 cubic feet per second, to the said The California Development Company.

C. H. Perry,

Witness.

C. White Mortimer)
British Vice Consul at)
Wilmington & Los Angeles,)
Cal.)

State of California,

County of ss.

Personally appeared C. H. Perry, before me, a notary public, in and for the County aforesaid, who is personally known to me and acknowledged that he voluntarily signed this

document and I do hereby certify that he signed his name in my presence.

Witness my hand and notarial seal this 25th day of December, 1898.

James Larquier,

SEAL

Notary Public in and for the County of Los Angeles, State of California.

British Vice-Consulate.

Los Angeles.

To All to whom these presents shall come,

I, Charles White Mortimer, British Vice Consul for Wilmington and Los Angeles, in the State of California, residing in Los Angeles, do hereby certify that I have reason to believe that the signature subscribed and seal affixed to the certificate herein annexed, are the true signature and seal of James Larquier, who was, on the day of the date of said certificate, a Notary Public in and for the County of Los Angeles, in the State of California, duly commissioned, to whose official acts as such, faith and credit are due.

In testimony whereof, etc., the 25th day of December 1898.

C. White Mortimer,

SEAL

British Vice Consul.

SEAL

I, John F. Forward, Recorder in and for the County of San Diego, State of California, U. S. A., do hereby certify that the foregoing instrument was recorded in the office of the County Recorder of San Diego County, State of California, U. S. A., on the 24th day of December, 1898, at 4 o'clock and 40 minutes in Book No. 5 of Water Claims at Page 243 et seq.

and I do hereby further certify that it is a true, correct and faithful copy of the original water notice which was filed in the office of the Recorder in the County of San Diego, State of California, U. S. A., on the 24th day of December, 1998.

John F. Forward,

County Recorder.

SEAL)

State of California,
County of San Diego . ss.

Personally appeared John F. Forward before me,
a Notary Public in and for the County aforesaid. He is per-
sonally known to me to be the Recorder of said County and
States, who acknowledged to me that he voluntarily made and
signed the foregoing certificate, and I do hereby certify
that he signed his name in my presence.

Witness my hand and Notarial Seal this 24th day
of December, 1898.

William R. John.

(SEAL) Notary Public in and for the County
of San Diego, State of California.

(Endorsed) Recorded at request of Wells, Fargo & Company,
December 24th, 1898, at 4:50 P. M., in Book No. 3 of Water
Claims, Page 243, of said Records of San Diego County, Cali-
fornia.

John F. Forward,
Recorder.

By A. F. Johnson, Jr.
Deputy Recorder.

Re-Recorded Jan. 5, 1899, at 4:00 P. M.

Jno. F. Forward,
Recorder.

ASSIGNMENT
OF
WATER CLAIM.

Book 3 Water Claims, Page
250.

This instrument executed and signed this 18th day of January, 1899,.

WITNESSED: Whereas, F. T. Hoffernan, for himself and others, did from time to time give notice a file and claim for, and to use and appropriate ten thousand (10,000) cubic feet per second of the water of the Colorado River flowing by the intended point of diversion as follows:

The intended point of diversion is located on the S.W. 1/4 of section 25, Tp. 16 S. R., 21 E., of San Bernardino Base and Meridian, and being further described as a point of location on the east bank of the Colorado River in San Diego County, State of California, one and one-quarter miles, more or less, up the river, from the point where the international line between the United States of America and the Republic of Mexico intersects the West bank of the Colorado River. The said point of diversion is more specifically described as extending from a point due East of the pumping plant of the Paymaster Mining Company up the river a distance of 500 feet, more or less, to a hill, and whereas, such notice and filing by me and for others was and is intended to mean The California Development Company, a corporation duly organized and existing under and by virtue of the laws of New Jersey, one of the United States of America, and

Whereas, such notices and filings first above mentioned are recorded in the Books kept for such purpose in the office of the County Recorder of San Diego County, State of California, U. S. A.

Now, therefore,

For and in consideration - - - of one dollar, United States coin and other valuable consideration to me in hand paid by said The California Development Company, the receipt of which is hereby acknowledged, do hereby for myself and others, assign all my right, title and interest, to the herein above mentioned water to the said The California Development Company.

W. T. Heffernan.

Signed, sealed and)
delivered in the presence of F. L. Ewing.)

State of Arizona

County of Yuma. ss.

On this, 18th day of January, 1899, before me, F. L. Ewing, a Notary Public in and for said County of Yuma, residing therein, duly commissioned and sworn, personally appeared - - - - known to me to be the person described in and whose name is subscribed to the within instrument, and who acknowledged that he executed the same.

In witness whereof, etc.,

F. L. Ewing.

Notary Public in and for said
County and State.

Commission expires Sept. 26, 1899.
Recorded Feb. 1, 1899 at 3:40 P. M.

Jno. F. Forward,

Recorder.

ASSIGNMENT
OF
WATER CLAIM.

Book 3, Page 251, W. Claims.

This instrument executed and signed this 25th day
of January, 1899.

WITNESSETH: Whereas, W. T. Gonder, for himself
and others, did from time to time give notice and file a claim
for, and to use and appropriate ten thousand (10,000) cubic
feet per second of the water of the Colorado River flowing by
the intended point of diversion, as follows:

The intended point of diversion is located on the
S. E. 1/4, Section 25, Tp. 16 S. R., 21 E., of San Bernardino
Base and Meridian, and being further described as a point of
location on the West bank of the Colorado River, in San Diego
County, State of California, one and one-quarter miles, more
or less, up the river, from the point where the International
Line, between the United States of America and the Republic of
Mexico, intersects the West bank of the Colorado River. The
said point of diversion is more specifically described as ex-
tending from a point due east of the pumping plant of the Pay-
master Mining Company up the river a distance of 50 feet, more
or less, to a hill, and whereas, such notice and filing by
me and for others was and is intended to mean The California
Development Company, a corporation duly organized and existing
under and by virtue of the laws of New Jersey, one of the Unit-
ed States of America, and

Whereas, such notice and filings first above mention-
ed are recorded in the books kept for such purpose in the office
of the County Recorder of San Diego County, State of Cali-

ornia, U. S. A.

NOW THEREFORE, for and in consideration of one dollar, United States coin, and other valuable consideration, to me in hand paid by said The California Development Company, the receipt of which is hereby acknowledged, do hereby, for myself and others, assign all my right, title and interest, to the herein above mentioned water to the said The California Development Company.

Signed, sealed and delivered
in the presence of R. M.) T. Conder.
Conder.)

State of Ohio

County of Muskingum ss.

On this 25th day of January, 1899, before me, J. P. Peairs, a Notary Public in and for said County of Muskingum, residing therein, duly commissioned and sworn, personally appeared T. T. Conder, known to me to be the person described in and whose name is subscribed to the within instrument, and who acknowledged to me that he executed the same.

In witness whereof, etc.,

J. P. Peairs

(SEAL)

Notary Public in and
for the said County and State.

Recorded Feb. 1, 1899, at 5:40 P. M.

Book 3, Water Claims, Page 210.

Water Notice.

April 25, 98.

To Whom It May Concern:-

Notice is hereby given that T. T. Gonder, a citizen of the United States and of the State of California, do for myself and others, claim ten thousand (10,000) cubic feet per second of the water of the Colorado River, flowing by this intended point of diversion.

his intended point of diversion being located on the S. W. 1/4 of Sec. 25, Tp. 16, S.R. 2 E of San Bernardino Base and Meridian, and being further described as a point or location on the West bank of the Colorado River in San Diego County, State of California, one and one-quarter miles, more or less, up the river from the point where the International Line between the United States and Mexico intersects the West bank of the Colorado River. The said point of diversion is more specifically described as extending from a point due west of the pumping plant of the Paymaster Mining Company, up the river a distance of 500 feet, more or less, to a hill.

I claim the right to the said ten thousand cubic feet per second for the purpose of developing power and for the irrigation of lands in San Diego County, State of California, and in Lower California, Republic of Mexico. I propose carrying the water from the above described point of diversion through a canal which will run in a southwesterly direction through Lower California, Republic of Mexico, and thence into that portion of San Diego County, State of California, lying to the East of the San Jacinto Mountains and known as the New River Country.

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Said canal will be 200 feet in width and will carry a depth of 10 feet of water. Its length will be 80 miles, more or less.

W. T. Conner.

I hereby certify that I witnessed the posting of the original water notice of which this is a true and correct copy.

Wall H. Nelson.

Recorded April 28th, 1898, at 2:30 P.M.

John P. Forward,

Recorder.

Book 3 Page 259 W. Claims.
Water Notice, Feb. 20, 1899.

To Whom It May Concern:

Notice is hereby given that I, C. H.erry, a citizen of the United States of America, and of the State of California, do for myself and the California Development Company, a corporation duly and lawfully organized under and by virtue of the laws of the State of New Jersey, one of the United States of America, on the 24th day of April, 1896, claim ten thousand (10,000) cubic feet per second of water of the Colorado River flowing by the intended point of diversion, as follows:

The intended point of diversion is located on the S. W. 1/4 of Sec. 25, Tp. 16, S. R. 2 E., San Bernardino Base and Meridian and being further described as a point of location on the West bank of the Colorado River in San Diego County, State of California, one and one-quarter miles, more or less, up the river, from the point where the International Boundary Line between the United States of America and the Republic of Mexico, intersects the west bank of the Colorado River, the said point of diversion is more specifically described as extending from a point due east of the pumping plant of the Paymaster Mining Company, up the river a distance of 500 feet, or more to a hill. I claim the right to said 10,000 cubic feet per second for the purpose of developing power and for the irrigation of land in San Diego County, State of California, U. S. A., and in Lower California, Republic of Mexico. The purpose of this claim is to carry the water herein appropriated from the above described point of diversion through a canal which will run in a Southwesterly direction through Lower California, Republic of Mexico, and thence into that portion of

San Diego County, State of California, U. S. A., lying to the East of the San Jacinto Mountains, and known as the New River Country. Said canal will be 200 feet, more or less, in width, and will carry in depth 10 feet of water.

The length of the canal will be 8 miles, more or less.

C. H. Perry.

I, W. T. Hoffernan, a citizen of the United States of America, hereby certify that I witnessed the posting of the original notice of which this is a full, true and correct copy.

W. T. Hoffernan.

I, C. H. Perry, the within named person, ^{who} filed the foregoing notice of water appropriation, for one dollar and other valuable considerations, do hereby assign all my right, title and interest, in the within named claim of the right to appropriate water from the Colorado River to the amount named, being ten thousand (10,000) cubic ^{feet} per second to the said The California Development Company.

C. H. Perry.

Recorded February 27, 1899, at 9:05 A. M.

Jno. F. Forward,

Recorder.

By A. P. Johnson, Jr.,

Deputy Recorder.

Water Notice.

Book 3, Page 280 W. C.

To Whom It May Concern:

April 25th, 1899.

Notice is hereby given that I, C. H. Barry, a citizen of the United States of America, and of the State of California, do for myself and the California Development Company, a corporation, duly and lawfully organized on the 24th day of April, 1898, under and by virtue of the laws of the State of New Jersey, one of the United States of America, claim ten thousand (10,000) cubic feet per second of the water of the Colorado River flowing by the intended point of diversion as follows:

The intended point of diversion is located on the Southwest quarter of Section Twenty-five (25) Township sixteen (16) South Range Twenty-one (21) East of San Bernardino Base and Meridian and being further described as a point of location on the west bank of the Colorado River in San Diego County, State of California, one and one-fourth miles, more or less, up the river from the point where the international line between the United States of America and the Republic of Mexico intersects the west bank of the Colorado River.

The said point of diversion is more specifically described as extending from a point due east of the pumping plant of the Paymaster Mining Company, up the river a distance of five hundred feet, more or less to a hill.

I claim the right to the said 10,000 cubic feet per second for the purpose of developing power and for the irrigation of lands in San Diego County, State of California, U. S. A. and in Lower California, Republic of Mexico.

The purpose of this claim is to carry the water herein

appropriated from the above described point of diversion through a canal which will run in a southwesterly direction to Lower California, Republic of Mexico, and from thence into that portion of San Diego County, State of California, U. S. A. lying to the East of the San Jacinto Mountains, and known as the New River Country.

Said canal will be 200 feet, more or less in width, and will carry approximately in depth 10 feet of water, the length of the canal will be 80 miles more or less.

C. H. Perry.

I, C. H. Heffernan, a Citizen of Yuma, Arizona, U. S. A. do hereby certify, that I witnessed the posting of the original notice of which the foregoing is a true, correct and faithful copy.

C. H. Heffernan.

I, C. H. Perry, the within named person, who filed the foregoing notice of water appropriation, do for One Dollar and other valuable considerations, hereby assign all my right, title and interest in the within named claim of the right to appropriate water from the Colorado River to the amount named herein being 10,000 cubic ft per second to the said California Development Company

C. H. Perry

Recorded at request of C. H. Perry May 2 1899 at 9 o'clock
A.M.

Geo F. Forward.
Recorder

by A. P. Johnson
Dep Recorder